

JOINT REGIONAL PLANNING PANEL (Southern Region)

JRPP No	2015STH018
DA Number	RA15/1001
Local Government Area	Shoalhaven City Council
Proposed Development	Indoor sports centre, car parking, landscaping and associated infrastructure.
Street Address	Lot 2 DP 130891 (No.84) Cambewarra Road and Lot 2 DP 2886 Sec 2 Cambewarra Road, Bomaderry
Applicant/Owner	Clarke Keller Architects/Shoalhaven City Council
Number of Submissions	2
Regional Development Criteria (Schedule 4A of the Act)	Satisfies the criteria of Clause 4 (Council related development over \$5 million) (b) of Schedule 4A of the Environmental Planning and Assessment Act (EPA Act) as it is for a development on land that is owned by Council that has a capital investment value (CIV) over \$5 million dollars
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> i. Environmental Planning and Assessment Act 1979 ii. State Environmental Planning Policy (State and Regional Development) 2011; iii. State Environmental Planning Policy (Infrastructure) 2007; iv. State Environmental Planning Policy 55 – Remediation of Land; v. State Environmental Planning Policy No.64 – Advertising and Signage vi. Shoalhaven Local Environmental Plan 2014; vii. Shoalhaven Development Control Plan 2014; and viii. Shoalhaven Contribution Plan 2010.
List all documents submitted with this report for the panel's consideration	Attachment A – Draft Determination; Attachment B – Development Application Plans; and Attachment C – Site Location.
Recommendation	Approval with conditions contained in Attachment 'A'
Report by	Andrew Lissenden, Development Co-ordinator
Report date	4 August 2016

ASSESSMENT REPORT

1. Proposal

The development application (DA), as amended, proposes the construction of an of an indoor sports facility comprising the following (summary only):

1. Four (4) multi-purpose courts (for basketball, netball, futsal, volleyball and badminton) consisting of one (1) main event court with seating for 600 people and three (3) separate courts grouped together;
2. Ancillary facilities comprising change rooms, toilets, storerooms, canteen/cafe, sports office areas, conference room, administration areas, staff area, control rooms, first aid room, drug testing room, multi-purpose spaces, short term child care facilities, etc;
3. Car parking for 194 vehicles, bus drop off area and bus parking area; and
4. Associated works including access/manoeuvring areas, drainage and landscaping.

Refer to **Attachment 'B'** for a copy of the DA plans.

2. Subject Site and Surrounds

The development site:

- Comprises two parcels of land legally identified as Lot 2 DP 130891 (No.84) Cambewarra Road and Lot 2 DP 2886 Sec 2 Cambewarra Road, Bomaderry that are both owned by Shoalhaven City Council;
- Has an area of approximately 2.88 hectares;
- Forms part of Artie Smith Oval;
- Is located approximately 810m north west of Bomaderry commercial area and 600m to the east of the Princes Highway;
- Is adjoined to the north by Cambewarra Road, Bomaderry High School and residentially zoned land (4 single storey residential dwellings), to the east by North Tarawal Street, a community training and education centre and residentially zoned land containing dwelling houses, to the south by West Birriley Street and residentially zoned land containing dwelling houses and the west by Council land that forms part of Artie Smith Oval;
- Currently has vehicular access from Cambewarra Road;
- Is zoned RE1 – Public Recreation under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014);
- Currently contains a an existing basketball stadium comprising 2 indoor basketball courts, car parking (both sealed and unsealed) and a grassed open space area containing a cricket oval, AFL fields and amenities;
- Is predominately cleared land, although there is some existing established vegetation around the perimeter of the site;
- Slopes from its west to east with an overall fall of approximately 9m (and between 3m and 4m in the area of the proposed works);
- Is serviced by electrical, water and sewer infrastructure; and
- Is not impacted upon by any known easements/restrictions as to user.

Refer to **Attachment 'C'** for additional details on the site's location.

3. Background

The following provides details on pre-lodgement discussions, post lodgement actions and general site history:

- a) Pre Lodgement: No formal pre-lodgement discussion (i.e. Development Advisory Unit (DAU) meeting) was had prior to the DA's lodgement.
- b) Post Lodgement: The current application was lodged on 28 July 2016. Due to the lodged information not corresponding with the submitted plans (i.e. Statement of Environmental Effects submitted was the same as submitted for a 2012 DA on the site that was a different design) the assessment clock was stopped at lodgement. On 16 September 2015, at the applicant's request, a meeting was held to discuss issues relevant to the site and proposed development. Some matters discussed at this meeting were not adequately addressed by the applicant. As a consequence Council staff, during the assessment of the application requested additional information from the applicant on several occasions (i.e. correspondence dated 14 August 2015, 15 December 2015, 4 March 2016, 8 March 2016, 17 March 2016, 1 April 2016 and 6 June 2016). Issues raised included:
 - Conflicting information in the updated Statement of Environmental Effects (SEE);
 - Clause 4.6 of the Shoalhaven Local Environmental Plan 2014;
 - Response to concerns raised in the submissions received during the notification period;
 - Traffic;
 - Car parking;
 - Ongoing waste management;
 - Building Code of Australia (BCA);
 - Shadow diagrams;
 - Capital investment value; and
 - Drainage.

Additional information was received from the applicant on

- 8 December 2015: Updated SEE, plans and supporting information;
- 21 December 2015: Updated information on car parking, the development site, traffic and issues identified in meeting with Council assessment staff;
- 9 March 2016: Ongoing waste management information;
- 16 March 2016: Updated SEE;
- 5 April 2016: Response to submissions, response to Development Engineers and Traffic Units concerns and update on BCA issues;
- 15 April 2016: Updated BCA report;
- 29 April 2016: Updated plans and BCA information;
- 6 May 2016: Updated plans, BCA report and SEE;
- 14 June 2016: Response to Development Engineers and Traffic Units concerns; and
- 19 July 2016: Submission of a Clause 4.6 variation statement.

The applicant, at the time of writing this report, submitted suitable development plans and supporting information to enable a comprehensive assessment of the application to be undertaken pursuant to 79C of the Environmental planning and Assessment Act, 1979

(EPA Act). Whilst there are still outstanding matters, these can be addressed via conditions should a development consent be issued.

c) Site History: A review of Council's records has indicated a number of applications relating to the existing basketball stadium dating back to 1964. In addition, there are a number of sports related DAs (e.g. lighting, amenities, clubhouse, etc.) that have been lodged on the subject land. Of relevance to this DA are the following applications:

- DA09/1829: This was for two additional courts to the rear of the existing basketball courts. This development consent was surrendered by the applicant on 14 June 2013; and
- RA12/1000: This regional DA was for the demolition of the existing basketball stadium and construction of a 4 court indoor basketball stadium, café, administration area and car parking. This development consent was issued on 29 June 2012. A notice of commencement of works was received by Council on 29 May 2013.

4. Community Consultation

This DA has been exhibited in accordance with Council's *Community Consultation Policy for Development Applications (including subdivision) and the Formulation of Development Guidelines and Policies – Amendment 7*. As such, the DA has been notified as follows:

- Individual property owners within a 200 metre radius of the site were notified of the proposal (194 letters sent) as well notification to the Bomaderry Chamber of Commerce/Pride of Bomaderry. The notification period was from 23 December 2015 to 4 February 2016 (43 days);
- The proposal was advertised in the local press on two occasions (South Coast Register on 23 December 2015 and 13 January 2016);
- Two notices were placed on the land to which the application relates (one sign placed adjacent to the Cambewarra Road frontage of each lot in the development site); and
- The application and supporting documentation were on display on Council's website.

Two (2) submissions were received by Council. These are discussed in greater detail in Section 6 (Statement of Compliance/Assessment).

5. Statutory Considerations

The following are relevant planning controls that have been considered in the assessment of this application.

- i. Environmental Planning and Assessment Act 1979;
- ii. State Environmental Planning Policy (State and Regional Development) 2011;
- iii. State Environmental Planning Policy (Infrastructure) 2007;
- iv. State Environmental Planning Policy 55 – Remediation of Land;
- v. State Environmental Planning Policy No.64 – Advertising and Signage;
- vi. Shoalhaven Local Environmental Plan 2014;
- vii. Shoalhaven Development Control Plan 2014; and
- viii. Shoalhaven Contribution Plan 2010.

Additional information on the proposal's compliance with the above documents is detailed in the following sections of this report.

6. Statement of Compliance /Assessment

The following provides an assessment of the submitted application against the matters for consideration under 79C of the EPA Act.

Any planning instrument, draft instrument, DCP's and regulations that apply to the land

i) Environmental Planning and Assessment Act 1979 (EPA Act): Relevant matters, apart from Section 79C, are overviewed below:

- a) *Part 2A, Division 3, Section 23G*: Subclause 2(a) confers Council's functions as consent authority on a regional panel if the development is of a class or description set out in Schedule 4A of the EPA Act (refer to discussion below). As the type of development proposed is identified in Schedule 4A, the functions of Council as the consent authority have been conferred on a regional panel (Southern Joint Regional Planning Panel - JRPP).
- b) *Schedule 4A (Development for which regional panels may be authorised to exercise consent authority functions of councils)*: The development, based on the applicants submission, meets the criteria of Clause 4 under this schedule as a type of development (i.e. 'council related development') that has a CIV of more than \$5 million dollars (i.e. the proposed development has a CIV of in excess of \$8,000,000.00) and therefore, must be referred to the Joint Regional Planning Panel for determination. As such, the application will be determined by the JRPP.

In summary, the proposed development does not conflict with the applicable provisions of the EPA Act.

ii) State Environmental Planning Policy (State and Regional Development) 2011 (SEPP Development): Relevant matters are overviewed below:

- a) *Part 2 (State significant development)*: The development does not trigger the requirements for state significant development as detailed in Schedule 1 or 2 of SEPP Development.
- b) *Part 4 (Regional Development)*: The development is of a class/description included in Schedule 4A of the EPA Act (i.e. council related development over \$5 million dollars). As required by this Part, the Council consent functions are to be exercised by a regional panel, and as such, the application has been referred to the JRPP for determination.

In summary, the processing of this application does not conflict with the applicable provisions of the SEPP Development.

iii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007): Relevant matters are overviewed below:

- a) *Clause 104 (Traffic-generating development)*: The DA when received was referred to NSW Roads and Maritime Services (RMS) for comment in accordance with the requirements of this clause. Initially, the proposal as submitted detailed in the supporting documentation that the development would have in excess of 200 car spaces and as such was a type of development that meets the size requirements specified in Column 2 of Schedule 3 (i.e. site with access to any road that has 200 or more vehicles). The RMS subsequently advised on 29 February 2016 that they do not object to the DA in principle given the minor impact it would have on the Princes Highway/Cambewarra Road intersection.

In summary, the proposal complies with the relevant provisions of the SEPP 2007.

- iv) *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)*: Relevant matters are overviewed below:

- a) *Clause 7 (Contamination and remediation to be considered in determining development application)*: Consideration has been given to whether the land on which the works are proposed is contaminated. In this regard, an evaluation of the subject site and available information has indicated the following:
- Council records do not identify the site as potentially contaminated land;
 - Council is not aware of any previous investigations about contamination on the land;
 - Council is not aware of a potentially contaminating activity previously being conducted on the land;
 - Council is not aware of information concerning contamination impacts on land immediately adjacent to the subject land which could affect the subject land;
 - There is no land use restriction relating to possible contamination affecting the land;
 - There is no obvious visual evidence from a site inspection of any land contamination being present, and
 - The current application does not propose a change of use of land as specified by the requirements of SEPP 55.

Having regard for the above, further assessment is not required as there is no reason to suspect contamination or reason to suspect a risk of contamination during the construction and operation of the development. As such, the land is suitable from a contamination perspective for the proposed development/use.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 55.

- v) *State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)*: Relevant matters are overviewed below. It is important to note that all proposed signs have been classified by Council as “Business identification signs” and hence Part 3 of SEPP 64 do not apply including the need to refer the application to the RMS and to be advertised in accordance with Clause 17.

- a) *Clause 5 (Area of application of the policy)*: The subject site is included within the SEPP 64 catchment.

- b) *Clause 6 (Signage to which the policy applies)*: SEPP 64 is applicable as the signage proposed can be displayed with development consent and is visible from a public place.
- c) *Clause 8 (Granting of consent to signage)*: The signage proposed is consistent with the objectives of the policy (i.e. is compatible with the desired amenity, is of a high quality design/finish) and satisfies the criteria of Schedule 1. With reference to Schedule 1 the following comments are provided:
- The proposed signage is compatible with the existing and desired future character of the area (i.e. a sporting venue and future sporting precinct);
 - The proposed signage does not detract from the amenity/visual quality of the area (noting that the area is not located within an area that has special visual qualities);
 - The proposed signage does not impact upon views or vistas or dominate the skyline;
 - The proposed signage is compatible with the scale/proportion of the buildings and any illumination would not result in unacceptable glare/impact upon pedestrian/vehicles; and
 - The proposed signage would not reduce road safety or safety for pedestrian/bicyclists as no sight lines will be obstructed.

In summary, the proposed development does not conflict with the aims and applicable provisions of SEPP 64.

- vi) *Shoalhaven Local Environmental Plan 2014 (SLEP 2014)*: Relevant matters are overviewed below:

- a) *Clause 2.3 (Zone objectives and land use table)*: The land where the development is proposed is zoned RE1 Public Recreation. The proposed development/use is consistent with the listed objectives of an RE1 zone as it will continue to enable land to be used for recreational purposes and will result in the provision of a range of recreational settings and compatible land uses. In terms of permissibility the proposed development is best categorised under SLEP 2014 as a 'recreation facility (indoor)' which is a form of development that is permissible in an RE1 zone with development consent.
- b) *Clause 4.3 (Height of buildings)*: The 'Height of Buildings Map' does not contain any height controls relating to the development site. As such, the maximum height of all proposed buildings must not exceed 11m as required by subclause 2A. The proposed building at a maximum height of 12.1m exceeds this requirement. The development therefore does not comply with this development standard. The applicant has sought an exemption to this development standard pursuant to Clause 4.6. Refer to discussion below for additional details.

With reference to the objectives of Clause 4.3, Council is satisfied that the proposed building is not inconsistent with these as the development site is in a location that has other large buildings (e.g. adjacent basketball stadium building and Bomaderry High School buildings), has been sited to ensure that the proposed building is well separated from other land uses (e.g. 11m from northern boundary, 71m from the eastern boundary and 142m from the southern boundary) and will not impact upon privacy/solar access

or disrupt views, has incorporated design elements that assist in reducing the perceived bulk of the building (e.g. articulation, use of a mixture of building materials).

- c) *Clause 4.6 (Exceptions to development standards)*: Council is satisfied that Clause 4.3 contains a development standard relating to height which can be varied using Clause 4.6. As required by subclause 3, the applicant has submitted a written request for an exemption to the required maximum 11m building height development standard as it applies to this DA. In summary, the applicant's written request has justified the departure from the 11m height limit against the specific requirements of sub clause 3 by outlining that:
- The variation is a 1.1m or 10% variation to the requirement which is a minor numerical departure;
 - The development is proposed at the height so it can serve its intended purpose as a flexible space that is able to cater for a variety of sports while complying with relevant specifications and standards of the sports that it will accommodate;
 - The height proposed is a lesser height than the development which has already been approved on the site under RA12/1000. This development consent granting approval for a building that has a maximum height of 13.045m;
 - The development is located on a site/area that currently contains significant recreational infrastructure and as such does not propose a new land use;
 - The proposed building has been sited so it is clear of other properties in differing ownership; and
 - The development site has not been identified by SLEP 2014 as having any special scenic qualities or has having heritage significance.

Council's assessment noting that the height is exceeded in the front portion of the building (i.e. section that fronts Cambewarra Road). The 12.1m maximum roof height comprising 81m of the buildings 112m frontage or 72% (i.e. area over the 4 sports courts where natural ventilation has been incorporated into the design). It is also noted that the submitted roof plans and sections identify mechanical services which will exceed the 12.1m maximum roof height (one over each court area). The applicant has subsequently advised that since the preparation of the plans the mechanical plant indicated by dotted lines has been deleted. Consequently, no mechanical plant structures will be located on the roof and therefore the maximum height of the proposed building remains at 12.1m. The building's roof slopes to the rear with a fall of 4 degrees which ensures that the rear/southern elevation is under the 11m height requirement.

In addition, the proposed development will be in the public interest as it is not inconsistent with the objectives of Clause 4.3 and the RE1 zone (refer to discussion above). Concurrence from the Director-General is not required and can be assumed for this DA as per the guidelines prepared by the Department of Planning and Environment (Planning Circular PS 08-003 issued on 9 May 2008).

Council is therefore satisfied that the applicants submission has provided sufficient justification to demonstrate that given the specific circumstances of this case, that the 11m height limit is unreasonable, there is sufficient environmental grounds to justify contravention of the height requirement and that the proposal is in the public interest.

- d) *Clause 5.9 (Preservation of trees or vegetation)*: The submitted application seeks consent to remove 23 existing trees that will be impacted on by the proposed works (i.e. in the area of the building footprint or associated car parking area). An arborist report has been submitted and details protection measures during construction for the trees to be retained as well as well as compensatory planting. As per subclause 2 a development control plan exists (i.e. Chapter G4: Removal and Amenity of Trees of the Shoalhaven Development Control Plan 2014). This document identifying that all species of trees or vegetation which occur on public land are trees/vegetation to which this clause applies. Refer to discussion below for additional details.
- e) *Clause 7.2 (Earthworks)*: The proposed development will require some earthworks to achieve the planned finish floor levels and as such, having regard for subclause 2, the requirements of this clause are applicable (e.g. not exempt, not ancillary to development that has been given consent). Having regard to the matters contained in subclause 3 the earthworks, given their location and the amount required, will not adversely impact upon drainage patterns and will not affect the redevelopment of the land. Similarly, these works should not affect the amenity of adjoining properties as there is adequate separation between works and these property boundaries, disturb relics (consideration has been given to impacts on Aboriginal objects - refer to additional discussion on this issue in the report below) and any development consent, if issued, could be conditioned so as to require appropriate measures to avoid, minimise and mitigate the impacts.
- f) *Clause 7.11 (Essential services)*: The proposed development requires the provision of water, electricity and sewerage systems. The availability of all services (subject to future augmentation) has been confirmed by the applicant and/or relevant authorities.

In summary, the proposed development, does not conflict with the aims and applicable provisions of SLEP 2014. With reference to Clause 4.6, Council supports the request to vary the height limit for this DA from 11m to 12.1m.

- vii) *Shoalhaven Development Control Plan 2014 (SDCP 2014)*: Relevant matters are overviewed below:

- a) *Chapter G1: Site Analysis, Sustainable Design and Building materials in Rural, Coastal and Environmental Areas*: This chapter applies to all DA's. The applicant has submitted a site analysis plan and survey plan which contains sufficient/required information (e.g. existing vegetation, adjoining development, etc). Information has also been provided in relation to building materials which includes a basic visual assessment to demonstrate visual impacts as well as details on solar passive design that have been incorporated into the building to reduce ongoing energy costs. In addition, Council staff are of the belief that glare should not be an issue due to the orientation of the building and materials used. A condition should be included in any development consent issued relating to construction materials and stating that exterior materials (excluding windows and other glazing) are to be non-reflective or create a glare nuisance.
- b) *Chapter G2: Sustainable Stormwater Management and Erosion Sediment Control*: This chapter applies to all development. Each aspect is discussed separately below:

- Stormwater: The applicant has submitted a conceptual storm water design with the DA that proposes some on site detention with captured runoff leaving the site via Cambewarra Road. Calculations provided indicate that post development flows for the 10 year Average Recurrence Interval event (ARI) will be less than pre development with post development flows for the 100 year ARI event being equal to pre development flows. While not all requested information has been provided in relation to drainage (e.g. how overflow from the new detention basin will be dealt with), Council's Development Engineer has advised that outstanding issues can be conditioned on any development consent issued.
- Sediment and Erosion Control: The applicant has submitted a basic sediment and erosion control plan with the DA. This plan provides limited details (e.g. type of stabilised access) and will require additional information to comply with the Landcom Manual - Managing Urban Stormwater: Soils and Construction Volume 1 and 2. No concerns are raised with this and any development consent issued will be conditioned to require the submission of a detailed plan prior to the issue of a Construction Certificate.
- Stormwater Reuse: The drainage design indicates that the development will provide a below ground on site detention tank that will be used to assist in meeting the developments water requirements (i.e. outdoor use and toilets). Given the large roof area and facilities proposed it is reasonable to seek the development incorporate this into their design. Any development consent issued to be conditioned to require this to occur with details to be provided prior to issue of a Construction Certificate.
- Stormwater Quality: The development is of a size that would require the provision of devices to ensure post development pollutant loads into the stormwater system are minimised. The applicant has provided no details on measures to be included to ensure post development pollution loads are minimised into the surrounding environment (e.g. installation of gross pollutant devices at stormwater discharge points) to the levels as detailed in this chapter. Any development consent issued to be conditioned to require additional details to be provided prior to issue of a Construction Certificate.

Overall, subject to the imposition of conditions as detailed above, the proposed development complies with the objectives and applicable controls in this chapter.

- c) *Chapter G3: Landscape Design Guidelines:* This chapter applies to all development. The applicant has submitted a concept landscape plan and supporting documentation which identifies existing trees to be removed and proposed new plantings. These plantings consist of a mix of native tree species which have been provided to complement existing established vegetation in the area as well as ornamental species to mark key entrance ways/pedestrian access points. The tree planting proposed incorporates the compensatory planting suggested in the arborist report submitted with the DA. Shrubs and grasses have also been identified to ensure visibility in the key pedestrian areas is maintained.

The amended landscape plan provided contains a planting schedule that details

species, pot sizes, mature heights, indicative spacings and quantities. Cross sections, details on existing vegetation to be removed, basic maintenance details and consideration of existing infrastructure have also been provided. Council staff are of the opinion that what is being proposed will enhance the appearance of the development, will assist in integrating the development into the streetscape, is of an appropriate scale, will provide sufficient shade to meet user requirements in areas such as the car park and has regard for personal safety. It is however recommended that the Eucalyptus tree species proposed along the frontage of the site and within the car parking area may not be appropriate due to their tendency to drop limbs/branches and result in pavement upheaval when they are planted in confined spaces. Discussions with Council's Landscape Architect suggesting Brush Box as an alternative species could to be used. Any development consent issued to be conditioned in relation to the replacing the planting of Eucalyptus with Brush Box and the need to provide root barriers for all trees located adjacent to access and/or car park areas. Overall, subject to the imposition of conditions as detailed above, the proposed development complies with the objectives and applicable performance criteria in this chapter.

- d) *Chapter G4: Removal and Amenity of Trees:* The proposed development requires the removal of 23 existing trees due to their conflicting location with the proposed building and supporting infrastructure. The majority of these trees are within Lot 2 DP 130891 and are not within an environmentally sensitive location. Overall, the proposed development complies with the objectives and applicable controls in this chapter.
- e) *Chapter G7: Waste Minimisation and Management Controls:* This chapter applies to all development: A basic waste minimisation and management plan (WMMP) has been submitted with the DA. Each aspect is further discussed below:
 - Construction Waste: No details on construction waste generation and disposal have been provided. Council staff raise no concerns with this as the requirements Chapter G7 refer to Council's Waste Minimisation and Management Guideline which allows the submission of a detailed waste management plan for construction works with a Construction Certificate application. Any development consent, if issued, should be conditioned so as to require the submission of a detailed WMMP prepared in accordance with Council's current requirements prior to issue of a Construction Certificate. This detailing waste to be generated, quantities and specific disposal locations that encourages reuse and recycling.
 - On-going Waste: The applicant has advised that ongoing operational waste will be stored in an enclosed section at the north western end of the proposed building. This area having sufficient space to hold 4 skip bins to cater for the general waste generated by the sporting facilities, crèche, kiosk and administration areas. In addition, this area will hold clinical waste which may include plastics such as gloves used to treat sporting injuries, contaminated bandages and needles/sharps. This waste to be taken to a separate area within the waste storage area and be collected by a licenced clinical waste services provider. With reference to waste pickup, sufficient space is available adjacent to the waste bin storage area to enable a garbage truck to pick up the bins and enter/leave the site in a forward direction. No concerns are raised with the above ongoing waste measures proposed with any development consent issued to be conditioned so as to require the garbage bins to

be stored in the enclosed yard area and sports related medical/clinical waste to be disposed of to NSW Health Department requirements.

f) *Chapter G21: Car Parking and Traffic:* This chapter applies to all development. The applicant has submitted a Traffic Impact Assessment (prepared by GHD – dated December 2015). The relevant controls are discussed below.

- o Car Parking Schedule/Requirements: The proposed development will require the provision of car parking as detailed in the table below.

<i>Proposed land use</i>	<i>Chapter G21 requirement</i>	<i>Spaces required</i>	<i>Spaces proposed</i>	<i>Compliance with DCP 18</i>
<i>Indoor cricket/netball/soccer court</i>	15 spaces per court	60 car spaces (4 courts proposed)	As above	
Total		60 car spaces	194 car spaces	Yes

The new development/building, if looked at in isolation, requires the provision of 60 car spaces. This complies with Council's numerical requirements contained in Chapter G21. A total of 194 car spaces are proposed to be constructed as part of the DA. The additional car parking to be provided factors in the existing car parking supply on the land and what will be removed as part of this DA. An assessment of this loss of existing car parking is as follows:

- Existing basketball stadium: The existing basketball stadium has both sealed and unsealed car spaces provided around the building. A search of Council records has been unable to determine the actual number of car spaces that this building was required to provide. An assessment on site indicating that approximately 60 car spaces that surround the development will be removed; and
- Artie Smith Oval: Car parking in the western portion of the development site which is currently both sealed and unsealed will need to be removed. A search of Council records has been unable to determine the actual number of car spaces that the oval was required to provide. An assessment on site indicating the loss of approximately 70 car spaces in the eastern portion of the existing car parking (western end of development site).

A total of 130 existing car spaces will therefore be removed as a result of the development. The DA proposing to replace these as well as provide an additional 60 car spaces to service the new building. As such, the new development should provide a total of 190 car spaces (130 existing + 60 for the new building) with 194 car spaces being proposed. In addition, a car and bus drop off/pickup area is provided within the development site along the Cambewarra Road frontage. Additional overflow parking is available if required on the land to the south of the car parking area. This would be informal and would be subject to the implementation of

- a Traffic Management Plan that would need to be implemented during peak usage times.
- *Parking Layout/Dimensions:* In terms of car space dimensions and manoeuvring the submitted proposal has been designed in accordance with AS2890.1 and AS2890.6. No stack car parking or dead end aisles are proposed and 4 accessible car spaces are proposed. Conceptual details on line marking and some signage have been provided with the DA, however requirements in relation to the marking, internal signage, space identification and the size of the spaces should be provided will be conditioned on any issued development consent.
 - *Drivers with a Disability:* 4 accessible car spaces are proposed which is above the requirements of Chapter G21. The spaces proposed are located in close proximity to buildings main entry point and have been sized to comply with AS2890.6:2009. Requirements in relation marking/ identification of the spaces can be conditioned on any development consent, if issued.
 - *Access:* Two access points are proposed from Cambewarra Road. The eastern access point is for the entry/exit of cars and the entry of buses and service vehicles. The western access point is for the exit of buses, service vehicles and the 10 car spaces provided along the northern elevation of the building (short stay and accessible car parking). Both access points enable all vehicles to enter and leave the site in a forward direction. The access points have been designed to ensure sufficient sight distances are achieved and are sighted so they are more than 6m from the corner. Driveway setbacks from adjoining properties comply with the 1m requirement with Council staff being satisfied that the access points are suitable for the development as proposed and will not result in adverse safety issues. Any development consent issued should however be conditioned in relation to access point design and the need for a signs/lines plan.
 - *Manoeuvrability and Service Areas:* With reference to the main service area (bus drop off/pick up area and parking area, garbage pick-up area and general supply delivery area) sufficient space has been provided enable a 14.5m coach and a 12.5m large rigid vehicle to access and manoeuvre on site. A separate service area provided at the rear of the building that has been designed to enable a 12.5m large rigid truck to access/manoeuvre in this area. The service areas provided are separate to the general car parking areas and do not impact upon car manoeuvring areas. Council's Development Engineer has reviewed the turning overlays and no concerns have been raised. With reference to cars the design has had regard for both the B99 and B85 design vehicles with sufficient space being provided to and from all proposed car spaces.
 - *Landscape Design:* A landscape plan has been provided which incorporates landscaping into the car park design. This landscaping provides shade tree planting within the main car parking area as well as some perimeter plantings.
 - *Motor Cycle Parking:* The applicant has not proposed any motor cycle spaces as part of the design. Sufficient space is available within the site (e.g. at the western end of the main car parking area) to enable spaces to be provided in accordance with the maximum of 2% of the total car parking requirement. Any development consent issued to be conditioned to require 4 motor cycle spaces to be provided and shown in accordance with the design requirements in AS2890 with the details

to be shown on the Construction Certificate plans.

- *Construction Requirements:* Some details on internal road and car parking area construction requirements have been provided by the applicant. The design indicating that a portion of the main car parking area is to be constructed to compacted road base standard (i.e. 105 car spaces). Given the intended use of the development for a regional facility, this design standard does not meet Council requirements and a higher standard is required. In this regard any development consent issued will be conditioned to require all car parking areas to be constructed to a minimum traffic loading of 1×10^5 ESA's with areas that are to be traversed by service vehicles and coaches to be constructed for a minimum traffic loading of 1×10^6 ESA's. The applicant has been advised of this.
- *Miscellaneous Requirements:* The applicant has provided some details in the information submitted to indicate that appropriate access signage, car space markings, lighting of the car park area, etc will be provided. Requirements in relation to the above can be conditioned on any development consent issued.

In summary, the proposal, subject to the imposition of conditions as outlined above, does not conflict with the aims of Chapter G21 and the provisions of the relevant Australian Standards.

- g) *Chapter G22: Advertising Signs and Structures:* This chapter applies to the development as three signs are proposed as part of the DA. All proposed signage is classified as 'on-building signage' and is not exempt or complying development. Each sign is discussed below:

- Sign 1: This on-building sign is located on the northern/Cambewarra Road elevation of the proposed development. It contains the words 'Shoalhaven Indoor Sports Centre' and has a sign face area of approximately 15m². The acceptable solutions allowing 39.2m² of sign face area for on-building signs with any one sign not to exceed 4m². This sign in isolation complies with the overall maximum sign face area requirement, however it does not comply with maximum sign face area requirement for any one sign (i.e. exceeds the 4m² maximum).

An assessment against the performance criteria and objectives of the DCP has been undertaken as part of Council's assessment. This assessment determining that the proposed sign is associated with the lawful use of the land, will relate to the premises situated on the land, will enable particulars of the service to be provided, will enable the business being undertaken on the land to be described, is in scale with the development as proposed and as such does not dominate the streetscape or skyline, does not affect sight distances/traffic safety, does not project over windows or architectural forms, does not detract from a heritage item and does not adversely affect the amenity or character of the area. In addition, it is Council's opinion that the proposal complies with the objectives of Chapter G22 in that it will provide clear business identification and provide signage that does not detract from the character of the area.

- Sign 2 and 3: These on-building signs are defined by the applicant as "temporary event signage" and will be located on the northern/Cambewarra Road elevation and the eastern elevation of the proposed development. These signs enabling the

notification of future events to the wider community. The sign on the northern elevation having a sign face area of 80m² and the sign on the eastern elevation having a sign face area of 60m². Both signs exceed the overall maximum sign face area requirement and the requirement for the maximum sign face area for any one sign.

An assessment against the performance criteria and objectives of the DCP has been undertaken as part of Council's assessment. This assessment determining that the proposed signs are associated with the lawful use of the land (i.e. provide notification of future events being held), are in scale with the development as proposed and as such does not dominate the streetscape or skyline (i.e. are proposed to be located on the existing walls), does not affect sight distances/traffic safety (i.e. located away from the adjoining road area), does not project over windows or architectural forms (i.e. are located on blank wall areas), does not detract from a heritage item (i.e. no heritage items in the vicinity) and does not adversely affect the amenity or character of the area (i.e. faces a road and an existing educational facility). In addition, it is Council's opinion that the proposal complies with the objectives of Chapter G22 in that it will minimise visual clutter and provide signage that does not detract from the character of the area.

- viii) Shoalhaven Contribution Plan 2010: The provisions of Council's Section 94 Contribution Plan apply to the development site. In accordance with the requirements of Section 2.7 (Exemptions) of this plan, contributions do not apply to community infrastructure that is included in this plan. This DA is for community infrastructure included in the plan (i.e. Northern Shoalhaven Sports Stadium – Project 01AREC2006). Having regard for the above, no Section 94 contributions will be imposed on the proposed development.

Likely impact of that development on the natural and built environment and social and economic impacts in the locality.

- i) Threatened Species: Council staff have undertaken an assessment having regard for the requirements of Section 5A of the EPA Act. This assessment included the subject site and adjoining land and has had regard for direct and indirect impacts including the impacts from the development. The assessment indicating that there are no records of threatened flora and fauna species on the development site. In addition, a pro-forma Threatened Species Preliminary Site Assessment and Assessment of Significance has been undertaken and has confirmed that as the site has been substantially cleared of vegetation and significantly disturbed to create the existing open space area (this including ongoing maintenance/mowing) that no threatened species will be impacted on directly or indirectly as a result of this development.
- ii) Noise, odour and dust: Each of these issues is discussed separately below:
- a) Noise: In terms of construction, noise is expected to be created during construction period. The generation of noise during construction is considered to be acceptable, however, having regard for the development's location adjacent to an education facility (i.e. to the east), any consent issued should be conditioned to restrict construction hours and manage/control construction noise generated to minimise its impact on adjoining buildings and their occupants.

With reference to the ongoing operation, the applicant has submitted a noise assessment prepared by SLR Global Environmental Solutions (dated 10 December 2015). This assessment submitted looks at noise generated from traffic, mechanical plant and use of the facility. The report in summary concludes that the use of the stadium will generate the highest amount of noise on the closest sensitive receivers which are the existing dwellings on the northern side of Cambewarra Road (opposite the site) with the educational facility and other residences to the east being screened by the existing basketball stadium.

With reference to noise impacts on the dwellings to the north the assessment advises that further consideration of construction materials needs to be had and some upgrade to the building may be required. These specifically being the northern façade, western façade and roof. The report concluding that a design that is fully compliant with required noise limits is readily achievable. With reference to the educational facility to the east the report suggests that traffic noise from the car park can be mitigated through the provision of acoustic fencing along the boundary (i.e. 1.8m high wooden fence with no gaps). Council's Environmental Health Officer has reviewed the report and raised no concerns subject to the noise attenuation measures specified in the report being adhered to.

- b) *Odour* It is not anticipated that odour will be a problem as part of the proposed development. Any development consent issued will, however, be conditioned to require no offensive odour being generated.
 - c) *Dust*: Dust has the potential to be an issue during the construction process. To minimise the impacts of dust during the construction period, any issued development consent will be conditioned to require dust suppression measures to be implemented. This including, but not limited to, the spraying down of vehicles and trafficable areas, and installation of shade cloth along the site's perimeter.
- iii) *Context and Setting*: The proposed buildings is 112m long and 46m wide. When viewed from Cambewarra Road it will take on a two storey appearance with a maximum height of 12.1m along the northern/street frontage and 9.05m when viewed from the southern/rear elevation. While it is acknowledged that the building is higher than any adjoining or adjacent structures which are predominantly single storey, the buildings design has had regard for its intended use by providing a space that caters for a variety of sports including basketball, netball, futsal, volleyball and badminton and complies with the required minimum floor to ceiling heights and associated national specifications.

The positioning of the building ensures sufficient separation from adjoining land uses, will not result in overshadowing of adjoining land in separate ownership, will not result in the loss of solar access to existing development and does not disrupt views. The design of the building has used articulation along its main street frontage as well as the use of a variety of building materials that provide varying textures and colours so as to reduce the visual bulk of the building. Materials to be used include white oxide precast concrete, and glass in the lower portions and mixture of different colour cladding (i.e. wallaby, monument) as well as aluminium composite sun shading louvres (northern elevation) on the upper portions of the building.

Overall the design will provide visual interest when viewed from the street, is not inconsistent with the character of the locality or future envisaged character of the area, presents as a modern building, provides a positive contribution to the built environment on the site and is satisfactory in terms of its context and setting.

- iv) Traffic and Access: The proposed development will increase the number of vehicles utilising the adjoining road network (i.e. Cambewarra Road). The modelling undertaken by the applicant indicates that the additional traffic generated by the development will have minimal impact on the flow of traffic in the vicinity of the site. Council raises no concerns with the submitted modelling. In addition, NSW Roads and Maritime Services have advised that they have no concerns and that any impacts on the intersection of Cambewarra Road/Princes Highway will be minor in comparison to the existing traffic volumes. During major events it is acknowledged that the demand for buses servicing the site will increase. In this regard a bus drop off area has been provided as well as a bus parking area within the site adjacent to the Cambewarra Road frontage. Access to these areas will be restricted to entry via the eastern access point and exiting via the western access point. This design solution will ensure efficient circulation within the site and more efficient manoeuvres for vehicles entering Cambewarra Road. Any development consent issued will however require a separate Traffic Management Plan to be prepared to ensure car parking and general vehicular movement around the site are not impacted upon during larger events. Sight distances at the sites access and egress points for cars, service vehicles and buses is in accordance with AS2890.1. To assist in promoting the efficient movement of vehicles into and around the development site a signs and line plan will be required. This will include centreline marking in Cambewarra Road, the provision of no stopping signs to supplement the existing school bus zone on the northern side of Cambewarra Road, parking restrictions adjacent to the access points, etc.
- v) Overshadowing and Views: The proposed building, having regard for its setbacks to the adjoining property boundaries (e.g. 11m from northern boundary, 71m from the eastern boundary and 142m from the southern boundary), will not have an adverse shadow impact on adjoining land in private ownership. The applicant has submitted shadow diagrams which have confirmed that the 9am show on June 21 will have an adverse impact to the south of the building, the bulk of which will impact on the proposed car parking area. With reference to views it is acknowledged that given the location of the development site minimal adverse impact will be had and no view corridors will be impacted upon.
- vi) Economic/Social Impacts: Both issues are discussed separately below:
 - o Economic Impacts: The proposed development will have a positive economic impact during the construction phase through the creation of construction jobs, although these will be short term. Post construction additional employment opportunities will also be created for the local community and wider area (both jobs on the site and economic benefits for those businesses who provide goods and services to the developments operator and to those other business that guests visit). It will also have economic impacts through the provision of a facility that can be utilised by a number of sports for major competitions as well as trade events which has the potential of providing financial benefits to the greater Shoalhaven region.

- Social Impacts: The proposed development will have a positive social impact through the provision of an additional sporting venue that can cater for a wide variety of sports. This providing an opportunity for greater social interaction and better opportunities for the community to be involved in sport related activities. In addition, the provision of additional recreational opportunities has the potential to provide a positive social impact through improved wellbeing and health, and can assist in reducing social problems.

The suitability of the site for the development

The site is considered suitable for the proposed development with regard to zoning/ permissibility, surrounding land uses, and topographical constraints. It is not subject to any constraints that would restrict and/or prohibit the development of the site or have an adverse impact on adjoining lands sufficient to facilitate the current application's refusal. In addition, the proposed development will not adversely impact the physical environment and provides a social and economic benefit which outweighs any potential negative impacts. Consideration has also been given to the impact the development may have on existing users of the sites with Council's assessment of the development site today being as a local facility that primarily satisfies local demand. As such, Council staff are of the opinion that the site is suitable for the proposed development.

Any submissions made in accordance with the Act or the regulations

Submissions from the general public and public authorities are discussed separately below:

- a) **The Public:** In accordance with Council's Community Consultation Policy, the DA when received was notified as is outlined in Section 4 (Community Consultation) of this report. Two (2) submissions objecting to the proposal have been received. A summary of the issues raised in the submissions and associated comments from Council are provided below:
 - ***Impact on Cricket Pitch:*** Concern has been raised about the impact the proposed development will have on an existing cricket pitch located on the site. Specifically that an existing concrete cricket wicket, located on Lot 2 DP 2886 Sec 2 Cambewarra Road, will need to be removed to allow the development to proceed. It is Council's assessment that if the development was to proceed this cricket wicket would become unusable and would need to be removed. Council's Social Infrastructure and Planning Unit have advised that a new cricket pitch has been constructed by Council at the Bomaderry Sporting Complex (between 2 league fields) on the northern side of Cambewarra Road. This is located approximately 300m north of the development site. The new cricket wicket has been constructed to a synthetic standard as opposed to the current wickets concrete constructed standard. As such, if the development was approved this would be seen as a replacement facility.
 - ***Heritage Trotting Track:*** Concern has been raised about the developments impact on a heritage trotting track that one submission implies existed on the site. Council's assessment indicating that there are no state listed or locally listed heritage items identified on the development site or adjoining land. Discussions have also been had with Council staff who have previously been involved with the Shoalhaven LEP and identification of heritage sites/objects, with advice that they were not aware of the existence of this site and that no submissions from the public have ever been

previously received in relation to this. As such, it is Council's opinion that the development will not adversely impact upon a known or identified heritage item.

- o *Loss of Recreational Area:* Concern has been raised that the proposed development will reduce the amount of available open space and the area to be used is regularly used to exercise, walk dogs and play sport. The submissions also raising concern that the proposal has not considered the future needs of open space and should not be available for development. The applicant advising that the design provides a greater proportion of land at the rear of the building for public use with the buildings new design screening the car park area that was previously visible. A review of the plans previously approved has indicated that this DA will allow a greater amount of existing undeveloped open space area to be preserved while still providing an area adjacent to the existing Artie Smith Oval AFL pitch and the proposed car parking area for casual recreational activities such as exercise, walking dogs or a general play area when other available areas are being used.
- b) Public Authorities: A submission has been received from the NSW RMS with no concerns being raised. This submission is discussed in greater detail in Section 8 (Referrals) of this report.

The public interest

Consideration has been given to Federal, State and Local Government interests (e.g. policy statements, planning strategies and/or studies, etc.) as well as community interests. In this regard, Council staff are aware of the Sportsground Strategic Plan 2008-2036 which identifies the provision of additional facilities at Artie Smith Oval. This being the need for 3 additional indoor courts. In addition, the Illawarra Shoalhaven Regional Plan that provides broad planning direction and in part discusses the role of recreation and the need to develop and implement strategies to invest in sporting and recreational infrastructure (Action 3.3.3) to which the proposed development generally would align. There are no other known policy statement/documents that have relevance to the current application.

The application, based on the information provided, is not expected to have any significant negative impacts on the environment, the amenity of the locality or public health/safety. As such, it is considered that the works proposed are in the public interest.

7. Other Issues:

- a) Operating Hours: The applicant has advised in the submitted noise assessment prepared by SLR Global Environmental Solutions (dated 10 December 2015) that the proposed use/development seeks approval to operate between the hours of 7.00am to 11.00pm on any day (i.e. Monday to Sunday). Based on the assessment provided and the implementation of the recommendations contained in the report, no concerns are raised. It is however unclear in the submitted assessment as to whether the 11:00pm operating time is the time when an event will finish or when noise generated will cease (i.e. all cars have left site and mechanical plant turned off). As is detailed in the submitted noise assessment, as the most sensitive operating time of the development in terms of noise emissions at the residents to the north is the late evening period (i.e. approximately 11.00pm), it is considered reasonable to require all events/usage to finish at 10:30pm and the facility to be closed by 11:00pm. This acknowledging the time it takes for an event/activity to finish

and people to leave the building and the site. Requirements in relation to operating hours as detailed above to be conditioned on a development consent.

- b) Plan of Management: The land on which the development is proposed is managed by Council under the 'Generic Plan of Management – Sportsground'. The Generic Plan of Management in part identifies the land is for the purpose of active recreation involving organised sports including indoor sporting venues. As such, the development of an indoor sporting venue is in line with one of the core objectives of this plan.
- c) Master Plan for Artie Smith and Bomaderry Oval: Council has prepared a draft masterplan (Draft Bomaderry Nowra Regional Sport and Community Precinct Masterplan) which includes the development site. At the time of writing this report the draft masterplan was on exhibition until 15 August 2016. The exhibition information advising that the purpose of the masterplan is to establish a regional sports and community precinct at the Artie Smith Oval and Bomaderry Sporting Complex so as to enable the delivery of quality sporting facilities together with infrastructure to support local, regional and state level sport; as well as local and regional community needs. This masterplan, when completed, elevating Artie Smith oval from a local facility to a regional facility.

It is noted that the draft masterplan that is on exhibition while incorporating the indoor sports centre into the proposed site layout, has positioned car parking for both cars and buses as well as access into and out of the site in a different location to what is proposed under the current DA. These concerns have been raised with the applicant with it being advised that they wish to proceed with the application as lodged. As the draft masterplan is still going through the exhibition process it is acknowledged that limited regard should be had for it as it is unclear as to what changes will be made to it prior to adoption by Council. If the draft masterplan is adopted in a form that conflicts with the facilities proposed as part of this DA, then the applicant may decide to lodge a Section 96 application at that time.

- d) Building Code of Australia (BCA): The applicant has submitted two BCA reports and an access consultant's report during the DA. Council raising concerns with the level of detail provided in the submitted reports. The main area of concern being the proximity of the proposed development to the existing basketball stadium and associated fire upgrade works that would be required to both buildings, if Council, due to the proximity of the structures, was to assess the development as a united building. The revised BCA report and amended plans submitted provided greater separation (i.e. greater than 3m) to enable assessment of the buildings under the BCA as two separate buildings. The amended report did still identify non compliances with the Deemed to Satisfy provisions of the BCA that could require further modifications to the design. Rather than delaying the assessment and requesting further information, Council staff were of the opinion that these were matters for the Principal Certifying Authority to assess, modify or require an alternative solutions as part of the Construction Certificate application.

In relation to Clause 94 of the Environmental Planning and Assessment Regulation 2000 (EPA Reg), as noted above the submitted plans have been amended to provide adequate separation between buildings. While it is noted that the proposed building will still require compliance with Type A construction in accordance with the BCA, the existing basketball stadium building is now not exposed to a fire source feature, and as such Clause 94 of the EPA Reg is not triggered. Any development consent, if issued, to be conditioned in relation

to BCA compliance, disabled access and facility compliance with the BCA and AS1428. In addition, advice will be included that Council reserves the right to require upgrading of the building/s in accordance with Section 121B of the EPA Act in the event of the buildings being altered or other circumstances eventuate that change the basis on which Council's decision in relation to Clause 94 of the EPA Reg was made.

- e) Mezzanine Level: The submitted design shows a mezzanine level in the centre of the building. This area is serviced by a lift and stairs, has toilet facilities and a floor area of approximately 600m². Minimal details have been provided as part of the DA as to how this area will be used. The submitted plans indicating that it will be used partially for furniture storage and as a 'multi-purpose' area. The submitted BCA report by BCA Certifiers (dated 6 May 2016) identifying that their assessment was based on a building use as a sports centre with sports use only proposed. On this basis no concerns are raised with any development consent issued to be conditioned accordingly.
- f) Aboriginal Cultural Heritage: Council as part of its assessment has undertaken an Aboriginal Heritage Information System (AHIMS) search. This has indicated that there are no Aboriginal sites recorded in or near the development site and no Aboriginal places declared in or near the development site.
- g) Lot Consolidation/Easements: The development is proposed to be located over two parcels of land. This including both the physical building works and the associated infrastructure. As such, any development consent issued should be conditioned to require the consolidation of the land into one parcel prior to occupation of the building. This ensuring compliance with the applicable requirements of the BCA as well as ensuring one parcel of the land the development is on cannot change ownership independently of the other.

With reference to easements or restrictions as to user, a search of the deposited plans as well as the survey submitted as part of the DA has indicated that the site is not affected by any easements or restrictions.
- h) Land Owner's Consent: The application as submitted has provided consent from the owner of the properties. This being from Shoalhaven City Councils Business and Property Manager. No concerns are therefore raised with land owner's consent.
- i) Local Government Act 1993 (LG Act): The development site as it is Council owned land has been classified as 'community land' under the LG Act. Section 47E (Development of community land) in part states that no power of a Council under an environmental planning instrument to consent to the carrying out of development on community land may be delegated by the Council in certain circumstances listed in section 47E. For this DA the JRPP are exercising the functions of Council and are therefore the determining authority. Therefore the requirements of Section 47E have been satisfied as the determination is made by the JRPP and not under delegated authority.
- j) Policy for the Assessment of Council's Own Development Applications POL12/306: This policy applies to all DA's where Council is the applicant and land owner to ensure that the assessment, the consideration of submission and the recommendations put forward are free from any conflicts of interest, and are undertaken independently and in an unbiased manner. The application meets the criteria of a 'routine larger DA' as it is proposed on a

Council reserve and complies with zoning and land use provisions. An assessment against the applicable provisions is provided below:

- *Assessment by Council staff not involved in the application and peer reviewed by senior member of staff:* The assessment is being undertaken by a town planner at Council who was not involved in the application. The 79C Assessment report has been peer reviewed by the Council's Development Manager and Group Director, Planning and Development Services before being forwarded to the JRPP.
 - *Determination under delegated authority by senior member of staff:* This requirement is not applicable as the land is community land under Clause 47 of the LG Act and as determination will be by the JRPP.
 - *Report to Council would be an option of substantial submission received:* A report to the elected Council for determination is not required as the application is to be reported to the JRPP for determination. In addition a substantial number of submissions have not been received.
- k) **Safety and Security:** As per the requirements of Council's Safer by Design Guidelines, the applicant has provided comment to address the principles of Crime Prevention through Environmental Design (CPTED). A preliminary Safer by Design Crime Risk Assessment, having regard for Safer by Design Principles has also been undertaken by Council staff. This assessment has determined that the design of the building has ensured that elevations, where possible, have been activated through the use of windows which will allow the passive surveillance of the adjoining areas (i.e. northern and southern elevations noting the intended use and security required after hours).

In terms of access control, the public access points to the site and building are clearly defined from Cambewarra Road with egress for buses and services vehicles being separated from most other users. In addition, pedestrian access points are clearly defined however the assessment has noted that a pedestrian fence should be provided along the frontage of the site so as to ensure pedestrians do not inappropriately access the site through the various bus parking and drop off areas and so as to direct pedestrian access from the north to the central pedestrian crossing within the site. Based on the concept landscape plan the landscaping surrounding the building has been designed so it is visually open and provides a good visual connection between the building and the adjacent areas that will be used by staff and visitors (internal pathways, plant selections). Details on lighting that has been provided indicates that it will be to all external areas. It is noted that the design provides access between the existing and proposed building with the applicant advising that this will be lit generously. Concerns are raised with this given the width of the access way (3.13m wide) and its length (46m long). Council's assessment indicating that this area should be closed late at night and after hours through the installation of gates. With reference to territorial reinforcement the applicant has advised that given the use of the land on which the development is proposed there is no opportunity to fence the site. As such, CCTV is proposed. Management of the space in terms of landscaping and general maintenance (including the prompt removal of any graffiti should it occur) will assist in providing this.

In terms of territorial reinforcement, access, space management and surveillance opportunities, the proposed development has been classified as having medium risk rating and therefore, requires some modification and/or incorporation of features above what the applicant has outlined as part of their Statement of Environmental Effects and supporting information submitted with the application to minimise the potential risk of crime and/or anti-social behaviour (i.e. gating of area between buildings, fencing along sites frontage, detailed CPTED assessment prior to issue of a construction certificate to determine location of CCTV and any additional measures required).

- l) Energy Efficiency: The applicant will be required to submit an assessment against Part J of the BCA as part of the Construction Certificate. It is however noted that the design does not rely solely on air conditioning for cooling with cross ventilation being used through the incorporation of louvers to enable the cross flow of air through the development. Water harvesting has also been proposed with additional details to be required prior to the issue of a Construction Certificate.
- m) Consent Surrender: The development site currently has a valid development consent on it for a similar development that was approved on it in 2012 (RA12/1000 – approved *Demolition of existing Basketball Stadium and construction of proposed four court multi-purpose stadium with associated amenities, car parking and landscaping*). This development consent does not expire until 29 June 2017. Council receiving notification in May 2013 that works had commenced. If this development application is approved the earlier development consent should be surrendered. Any development consent issued to be conditioned to require the surrender of the earlier development consent.
- n) Footpath Requirements: The frontage of the development site (i.e. Cambewarra Road) does not currently provide a formed/constructed footpath. Given the intended use of the development as a sporting complex and that people using the facility will park within Cambewarra Road as well as the adjoining Artie Smith Ovals car park area, a formed concrete path should be provided along the frontage of the site to facilitate safe pedestrian movement to and from vehicles parked on-street or within the adjoining public car parking areas. In addition, it is noted that a worn track exists within the development site linking West Birriley Street to the existing traffic lights in Cambewarra Road. This path should be reconstructed to a concrete standard so as to provide a clear path of travel from the southern boundary through the site. Any development consent issued to be conditioned in relation to the above.
- o) Flooding: The subject site is not identified as being flood prone on Council's mapping.
- p) Bushfire: The subject site is not identified as being bushfire prone on Council's mapping.
- q) Climate Change: No cumulative impacts are expected in regard to the proposed development that could further contribute to climate change. Furthermore, there are no risks relevant to the site that could potentially be exacerbated by climate change.

8. Referrals

Internal:

- Development Engineer: Concerns were initially raised with the submitted stormwater design, pedestrian access through the site, the configuration of the bus parking/drop off area at the front of the site, general access design and car park construction. The application was re-referred for comment when additional information received. Concerns raised with access and stormwater design. The application was re-referred when further additional information received. Advice provided that all previous issues have not been adequately addressed however to finalise assessment these issues will be conditioned. Recommended conditions have been provided. Refer to advice in DA Tracking dated 24 February 2016 (D16/33364), 29 April 2016 (D16/97861) and 27 June 2016 (D16/176143) for additional details.
- Traffic Engineer: Concerns were initially raised with how existing car parking that is to be removed is to be replaced as part of the development, pedestrian access provision to and through the site, the need to provide additional pedestrian facilities within the adjoining road network, pedestrian/vehicular conflict along the front of the development, signage generally and impacts from vehicle headlights. The application was re-referred for comment when additional information received. Concerns raised with pedestrian access through the site, pedestrian facilities within the adjoining road network, internal signage, measures to limit pedestrian vehicular conflict access and stormwater design. The application was re-referred when further additional information received. Advice provided that they still had concerns with some aspects of the submitted access designs and associated signage. Confirmed with Council's Traffic Engineer that these issues can be conditioned. Refer to advice in DA Tracking dated 3 March 2016 (D16/33346), 20 April 2016 (D16/97921) and 30 June 2016 (D16/176145) for additional details.
- Waste Management Officer: Concerns were initially raised with survey work associated with existing hollow bearing tree to be removed (refer to advice dated 18 November 2015). The application was re-referred for comment when additional information received. No objections were raised subject to the imposition of recommended conditions (refer to advice in DA Tracking dated 3 March 2016 – D16).
- Building Surveyor: Concerns raised in relation to the level of detail provided and the developments compliance with the BCA. The application was re-referred for comment when additional information received with concerns still being raised with level of detail provided and non-compliance with provisions of the BCA that may require amendments to the design. This issue being left to the certifier to assess, modify or require an alternative solution as part of a Construction Certificate application. Conditions suggested in advice provided. Refer to advice in DA Tracking dated 29 March 2016 (D16/33400) and 3 June 2015 (D16/112195) for additional details.
- Environmental Health Officer: No concerns were raised in relation to site contamination, noise and food hygiene subject to the imposition of recommended conditions. Refer to advice in DA Tracking dated 9 February 2016 (D16/33400) for additional details.
- Shoalhaven Water: No objection to the proposal subject to the imposition of a condition on any consent issued relating to the requirements of Shoalhaven Water being complied with

and the provided Shoalhaven Water Development Application Notice being issued concurrently with any development consent issued. Refer to advice in DA Tracking dated 3 March 2016 (D16/33454 and D16/62413) for additional details.

- Landscape Architect: Some concerns raised with species selection (i.e. eucalypt plantings along Cambewarra Road and within car park). Alternative plantings suggested. Refer to advice in DA Tracking dated 8 February 2016 (D16/33406). Further discussion had with Council's Landscape Architect in relation to alternative species. Conditions to be included in any development consent.
- Social Infrastructure and Planning Unit: No concerns were raised in relation to the proposed developments compliance with the generic plan of management or sportsgrounds and the sportsgrounds strategic plan. Advice also provided in relation to its development of a masterplan for this land and the land to the north. Refer to advice in DA Tracking dated 12 February 2016 (D16/33424) for additional details.
- Property Unit: No concerns were raised with the encroachment of the disabled access ramp into the road reserve area. Section 138 Approval process would be sufficient to cover the works and no additional approvals required.

External:

- Transport – Roads & Maritime Services (RMS): No concerns were raised and advice provided that traffic generated by the development will have minimal impact upon the intersection of the Princes Highway and Cambewarra Road. Refer to advice in DA Tracking dated 29 February 2016 (D16/67378).

9. Options

The Joint Regional Planning Panel may:

- a) Resolve to approve the application subject to conditions (i.e. adopt the recommendations of this report including the draft conditions of consent provided or modify the provided conditions); or
- b) Resolve to refuse the application;
- c) Resolve to defer determination of the application; or
- d) Write to the applicant requesting them to amend/modify the proposal and subject to the matters being satisfactorily resolved, a further report be submitted to the Joint Regional Planning Panel (Southern Region) for its consideration.

10. Conclusion/Recommendation

This application has been assessed having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it is considered that Development Application No. RA15/1001 (2015STH018) should be approved subject to conditions, as detailed in the above report, being imposed on any issued development consent (Refer to **Attachment 'A'**).

Attachment 'A'

**NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT APPLICATION
BY THE SOUTHERN JOINT REGIONAL PLANNING PANEL**

DEVELOPMENT CONSENT

**Environmental Planning and Assessment Act, 1979
RA15/1001**

TO:

Shoalhaven City Council
C/O CalrkeKeller
Unit 16, Level 2
No.16 National Circuit
BARTON ACT 2600

being the applicant(s) for RA15/1001 relating to:

**Lot 2 DP 130891 (No.84) Cambewarra Road and Lot 2 DP 2886 Sec 2 Cambewarra
Road, Bomaderry**

APPROVED USE AND OR DEVELOPMENT:

**Construction of an indoor sports centre housing four (4) multi-purpose courts,
seating and ancillary facilities (comprising change rooms, toilets, storerooms,
canteen/cafe, sports office areas, conference room, administration areas, staff area,
control rooms, first aid room, drug testing room, multi-purpose spaces, etc), car
parking, landscaping and associated works**

DETERMINATION DATE:

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by granting partial development consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM:

CONSENT TO LAPSE ON:

DETAILS OF CONDITIONS

The conditions of consent and reasons for such conditions are set out as follows:

PART A

CONDITIONS OF A GENERAL NATURE, INCLUDING A DESCRIPTION OF THE PROPOSED DEVELOPMENT

General

1. This consent relates to the **construction of an indoor sports centre housing four (4) multi-purpose courts, seating and ancillary facilities (comprising change rooms, toilets, storerooms, canteen/cafe, sports office areas, conference room, administration areas, staff area, control rooms, first aid room, drug testing room, multi-purpose spaces, etc), car parking, landscaping and associated works** as illustrated on the plans, specifications and supporting documentation with the following references:

DOCUMENT	JOB/REF NO.	PREPARED BY	DATED
Cover Sheet/Location Plan	13-258, DA-01 (Issue P1)	ClarkeKeller and Zauner Constructions	27.07.2015
Site Analysis Plan	13-258, DA-02 (Issue A)	ClarkeKeller and Zauner Constructions	10.12.2015
Site Plan	13-258, DA-03 (Issue C)	ClarkeKeller and Zauner Constructions	29.04.2016
Ground Floor Plan	13-258, DA-04 (Issue C)	ClarkeKeller and Zauner Constructions	29.04.2016
Clerestory Floor Plan	13-258, DA-05 (Issue A)	ClarkeKeller and Zauner Constructions	10.12.2015
Roof Plan	13-258, DA-06 (Issue A)	ClarkeKeller and Zauner Constructions	10.12.2015
Elevations	13-258, DA-07 (Issue A)	ClarkeKeller and Zauner Constructions	10.12.2015
Sections 01	13-258, DA-08 (Issue A)	ClarkeKeller and Zauner Constructions	10.12.2015
Sections 02	13-258, DA-09 (Issue A)	ClarkeKeller and Zauner Constructions	10.12.2015
External Perspective	14-663, DA-11 (Issue A)	ClarkeKeller	10.12.2015
Internal Perspective	14-663, DA-12 (Issue A)	ClarkeKeller	10.12.2015
Schedule of Materials	14-663, DA-13 (Issue A)	ClarkeKeller	10.12.2015
Survey	7288.1 (Rev 1)	Leslie & Thompson Surveyors	6.09.2015
Landscape Plans	S14-0040 DA01 to DA09 (Issue A)	Clouston Associates	09.12.2015
Waste Minimisation and Management Plan	CR151114, C011 (Rev 1)	Northrop	09.12.15

Concept Soil and Water Managment Plan	CR151114, C010 (Rev 1)	Northrop	09.12.15
Turning Demonstration Plan Heavy Rigid Vehicle	CR151114, AT05 (Rev 1)	Northrop	09.12.15
Turning Demonstration Plan Heavy Rigid Vehicle	CR151114, AT04 (Rev 1)	Northrop	09.12.15
Turning Demonstration Plan Heavy Rigid Vehicle	CR151114, AT03 (Rev 1)	Northrop	09.12.15
Turning Demonstration Plan Heavy Rigid Vehicle	CR151114, AT02 (Rev 1)	Northrop	09.12.15
Turning Demonstration Plan Coach	CR151114, AT01 (Rev 1)	Northrop	09.12.15
Concept Overall Stormwater Management Plan	CR151114, C160 (Rev 5)	Northrop	29.06.16
Concept Stormwater Drainage Plan – Sheet 1	CR151114, C161 (Rev 3)	Northrop	04.03.16
Concept Stormwater Drainage Plan – Sheet 2	CR151114, C162 (Rev 3)	Northrop	04.03.16
Stormwater Details	CR151114, C170 (Rev 2)	Northrop	04.03.16
Pavement Plan	CR151114, C180 (Rev 2)	Northrop	04.03.16
Traffic Control Devices Plan – Sheet 1	CR151114, C211 (Rev 2)	Northrop	04.03.16
Traffic Control Devices Plan – Sheet 2	CR151114, C212 (Rev 2)	Northrop	04.03.16
Traffic Control Devices Plan	CR151114, C213 (Rev 2)	Northrop	29.06.16
Externa Site Works	CR151114, C215 (Rev 2)	Northrop	29.06.16
Shoalhaven Indoor Sports Centre – Statement of	Rev 3	ClarkeKeller	06.05.16

Environmental Effects			
BCA Compliance Report	AN150159 (Rev 4)	BCA Certifiers	06.05.16
Noise Assessment for DA purposes	670.10678-R1	SLR Global Environmental Solutions	10.12.15
Arboricultural Impact Assessment	D2604	Allied Tree Consultancy	14.09.15
Traffic Impact Assessment	23/15652 – 76669 (Rev 1)	GHD	18.12.15

stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
 - *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*
2. The use of the approved development/buildings shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Shoalhaven City Council's Planning and Development Group (i.e. a security).

Occupation Certificate

3. An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) before the building(s) is used or occupied.

Note: *Refer to Part E (Conditions that must be complied with before an Occupation Certificate can be issued or building occupied) of this development consent for additional requirements in relation to the above condition.*

PART B

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE WORK CAN COMMENCE

Principal Certifying Authority/Construction Certificate/Notice of Commencement

4. The following must be complied with:
- a) A Principal Certifying Authority (PCA) must be appointed before any works can commence (i.e. site preparation works, building works, etc);

- b) Notice must be given to Council's Planning and Development Services Group at least two (2) days prior to the commencement of building works;
- c) A Construction Certificate must be obtained from either Council or an accredited certifier before any building works can commence; and
- d) Council's Planning and Development Services Group must be advised in writing of the name and 24hr contact number of the designated person/company nominated by the developer or their agent to be responsible for construction of all engineering works including erosion and sediment control measures and their maintenance prior to the commencement of works for each stage.

Note: *The person/company nominated must be a suitably qualified, experienced and practicing engineer or surveyor.*

Sign – Supervisor contact details

5. Prior to the commencement of any work(s), a sign must be erected in a prominent position on any site which demolition and/or building works is being carried out:
 - a) Showing the name, address and telephone number of the PCA for the works;
 - b) Showing the name of the principal contractor (if any) for any building works and a telephone number on which that person may be contacted outside working hours; and
 - c) Stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the building works or demolition works are being carried out, but must be removed when the works have been completed.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Builders' Toilet

6. Before commencing any work(s) for each stage, a builder's water closet accommodation must be provided on site. A chemical toilet may be used on the site or alternatively the site may be provided with temporary closet accommodation connected to Council's sewer where sewer is available and operational. Under no circumstances will pit toilets or similar be accepted by Shoalhaven City Council.

Fencing

7. Prior to the commencement of any work(s) and during construction the building site is to be fenced/hoarded (in accordance with WorkCover requirements) with a fence/hoarding suitable to keep members of the public and unauthorised people out.

Existing Services/Damage to Public Assets

8. Prior to the commencement of any work(s) associated with this development, the developer or their agent must:
 - a) Check that the proposed works are not affected by any Council, Integral Energy, telecommunications, gas service or other services. Any required alterations to services as a consequence of undertaking works under this consent will be at the developer's

expense. In addition, any repair or damage to services will be at the developer's expense; and

- b) Undertake a site inspection and document any evidence of damage to the public assets (e.g. kerb/gutter, footpath, etc) prior to commencement of work. A copy of the inspection documentation is to be provided to Council's Planning and Development Services Group prior to the commencement of works. Failure to adequately identify existing damage will result in all damage detected by Council's Planning and Development Services Group after completion of the work being repaired at the developer's expense. Restoration shall be to the satisfaction of Council.

Soil and Water Management

9. Prior to the commencement of any work(s) associated with this development the relevant sedimentation and erosion controls required by this consent must be implemented, inspected and approved by the PCA. All required sediment and erosion control measures are to be maintained until the work is completed and the site stabilised.

Construction Management Plan - Traffic & Parking

10. Details of the proposed method of dealing with construction traffic are to be submitted to Council's Planning and Development Services Group and approval obtained prior to the commencement of any work(s). The details shall include, but are not limited to, the following:
 - a) A Traffic Management Plan prepared by a suitably qualified person detailing traffic measures to be implemented for the various stages of construction (i.e. to ensure safe ingress and egress of vehicles from the site);
 - b) Proposed haulage routes for delivery of materials to the site and spoil disposal from the site;
 - c) Details on the estimated timing of construction works; and
 - d) Parking arrangements for construction employees and contractors noting that all vehicles associated with the construction process must be contained within the site.

Trees to be Retained

11. Prior to the commencement of works all existing trees that have been identified as being retained (refer to drawing with reference 13-528, DA-03, Issue C, dated 29.04.16 and Arboriculture Impact Assessment, prepared by Allied Tree Consultancy, dated 14 /09/15) shall be managed as detailed in Section 7.5 and 8 of the Arboriculture Impact Assessment and as follows:
 - a) Have protective fencing installed and approved by Council's Engineering Coordinator or delegate;
 - b) No excavation is to occur inside the drip line of the trees unless essential, in which case all excavation is to be by hand to protect and retain tree roots; and
 - c) The tree surrounds/guards are to be maintained for the duration of the construction period.

Disposal of Excavated Material

12. All excavated surplus material must be hauled to an approved landfill site, authorised waste facility (e.g. West Nowra Tip) or an alternative location approved by Shoalhaven City Council that is suitable for taking the material.

PART C

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE THE CONSTRUCTION CERTIFICATE CAN BE ISSUED

Design Amendments

13. Prior to issue of a Construction Certificate the plans must be amended to show:
- a) The provision of bicycle parking facilities for a minimum of 8 bicycles in accordance with AS2890.3 Parking facilities-Part 3: Bicycle Parking Facilities;
 - b) The provision of a pedestrian fence along the northern boundary with breaks only at the proposed entry/exit points and the buildings pedestrian access located opposite the main entrance;
 - c) A 1.8m wide concrete pathway is to be provided from the eastern property boundary of the development site to the entrance of the existing gravel car park approximately 20m to the west of the western property boundary;
 - d) Details on stormwater reuse (i.e. tank size, usage details/calculations, etc);
 - e) Details on gross pollutant devices to be installed at stormwater discharge points. The pollutant load reduction must be in accordance with the acceptable solutions as detailed in A9.1 of Chapter G2 in the Shoalhaven Development Control Plan 2014 and must be sized for the development site size/discharge;
 - f) Measures to address Safer by Design/CPTED requirements, including but not limited to, ensuring that the area between the eastern elevation of the proposed building and western elevation of the existing basketball stadium is not accessible to the public at night or after operating hours (e.g. installation of gates at either end); and
 - g) Four (4) motor cycle spaces being provided at the western end of the main car parking area (refer to area marked in red on the approved site plan). The design to be in accordance with AS2890.

Landscaping – additional plantings

14. a) Prior to issue of a Construction Certificate, an amended landscape plan and accompanying specifications that has been designed by a registered (or eligible for registration) landscape architect will need to be and approved by an accredited certifier. The approved plan must also be lodged with Council as part of the Construction Certificate. The amended landscape plan must include the following **additional** works/details:
- o The replacement of all proposed Eucalypts tree planting within the frontage of the development site and the developments car parking area (i.e. Eucalyptus punctata and Corymbia maculate) with Brush Box/Lophostemon confertus of the same pot size. The trees to be planted must have a single straight trunk to a minimum of 1m before branching occurs and have a minimum calliper size of 60cm. The location and species (including height at maturity) is to be detailed on the approved plan;

- Location of common taps and irrigation/watering system to permit all landscape works to be adequately watered;
 - Installation of a directional root barrier/guard to all trees within the public road reserve and car park area. It must be installed to manufacturer's specification to effectively deter root damage of any structural works, paving or service lines located in the vicinity of the proposed street tree planting. The root barrier must be installed in a trench at a minimum of 500-1000mm deep dependant on the variety of tree specified and may be obtained from any manufacturer on the condition that the product is equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment; and
 - A detailed maintenance plan for a 26 week period.
- b) Landscaping must be carried out on the land in accordance with the approved plan.

Shoalhaven Water - Water and/or Sewer Requirements

15. Prior to issue of a Construction Certificate all conditions listed on the Shoalhaven Water Development Application Notice under the heading "PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE" must be complied with and accepted by Shoalhaven Water. **The authority issuing the Construction Certificate for the development shall obtain written approval from Shoalhaven Water allowing a Construction Certificate to be issued.** This shall also apply to approved staged developments

Note: Relevant details, including **monetary** contributions (where applicable) under the Water Management Act 2000, are given on the attached Notice issued by Shoalhaven Water.

For further information and clarification regarding the above please contact Shoalhaven Water's Development Unit on (02) 4429 3111.

Waste Minimisation and Management

16. Prior to the issue of a Construction Certificate a Waste Minimisation and Management Plan (WMMP) must be prepared that complies with requirements of Chapter G7 (Waste Minimisation and Management Controls) of the Shoalhaven Development Control Plan 2014. This WMMP must address:
- a) Waste expected to be generated during construction including details on the quantities of each type of waste; and
 - b) Location of where all each type of waste generated during construction will be either reused, recycled or disposed of.

The WMMP must be approved by the Accredited Certifier prior to the issue of a Construction Certificate. A copy must be provided to Council with the Construction Certificate.

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Noise

17. Prior to issue of a Construction Certificate, the following information must be submitted to an accredited certifier for approval with a copy being provided to Council as part of the Construction Certificate:

- a) An updated noise assessment that has recalculated and reassessed noise generation from the site. The updated assessment must re-look at noise generation from external mechanical plant (i.e. assessment must be based on actual plant to be used, location, design, operating conditions, etc) and noise from the indoor sports centre (i.e. based on 622 patrons). It must also demonstrate/detail how the building is able to comply with applicable requirements based on the late evening/night time period (e.g. Industrial Noise Policy and maximum sound power levels as detailed in the SLR Global Solutions Noise Assessment, dated 10 December 2015). The updated noise assessment is to be undertaken by a suitably qualified acoustic consultant; and
- b) All recommendations as noted in the updated noise assessment must be clearly shown on the Construction Certificate plans.

Approval of Regulatory Signage and Pavement Markings

18. a) Prior to issue of a Construction Certificate, details of proposed line markings and regulatory signs within the road reserve and within/through the site must be submitted to Council. The signs and lines plans must include, but not be limited to:

- a) Speed control devices, warning signage or other acceptable traffic control devices designed and constructed to reduce speeds within the internal areas;
- b) Parking restrictions that will be required adjacent to the both driveways to the development to address sight distance requirements in accordance with AS2890.1 (Section 3.2.4, Figure 3.2);
- c) Pedestrian warning signs (pedestrian warning sign - W6-1) are to be installed (both directions) at all pedestrian crossing points and in particular within the car parking area;
- d) Centre line marking on Cambewarra Road is to be amended to include 12m breaks in the centreline at the driveway entry/exits. This will address all requirements as per the relevant guidelines as well as ongoing maintenance issues. Note that double centre line marking (minimum 30m on all approaches to the entry/exits) with a 12m break at the entry/exits are to be provided;
- e) The existing school bus zone on the northern side of Cambewarra Road (School hours) is to be amended to incorporate 'No Stopping' restrictions at all other times so as to allow eastbound motorists sufficient room to safely pass any vehicle stopped by westbound traffic when turning right into the approved development.
- f) Clear entry/exit signage for all vehicles, all internal warning signs, giveaway signs at intersecting travel aisles, bus and coach access signage, drop off areas/time limited signage (i.e. short term spaces, bus drop off area) designated parking area signage, accessible car parking signage;
- g) Arrow markings internal to the site to reinforce the one and/or two way movements; and
- h) Signage to indicate spaces provided for large vehicles/vehicles with trailers.

- b) All approved regulatory signage and pavements markings must be installed in accordance with the approved plans.

Note: *Approval of the Regulatory Signage and Pavement Marking Plan will require referral to the Shoalhaven Traffic Committee and subsequently, the formal adoption by Council. Six to eight weeks should be allowed for the approval process. Installation should not commence until this approval has been obtained.*

Section 68 Approval

- 19. a) Prior to issue of a Construction Certificate, an application pursuant to Section 68 of the Local Government Act 1993 must be made to Council for any works involving water, sewerage and stormwater drainage. In this regard, full hydraulics plans/details that have been prepared by a properly qualified and practising hydraulics engineer are to be submitted to Council for assessment.
- b) No water, sewerage and stormwater drainage works are to commence until such time as a Section 68 Approval has been obtained from Council.

Engineering Approval - works in the road reserve/future road reserve

- 20. a) Prior to issue of a Construction Certificate, engineering design plans for all works within the road reserve (e.g. driveway crossings, footpath, access ramp) must be submitted to Council; and
- b) All works must be carried out in accordance with the approved plans.

Note: *The engineering design plan referred to above must comply with applicable requirements in Part D and Part G of this development consent. Works within the road reserve should not commence until this approval has been obtained.*

Erosion and Sediment Control

- 21. Prior to issue of a Construction Certificate an amended Soil and Water Management Plan (SWMP) and accompanying specifications for the construction phase of the works, prepared by a suitably qualified and experienced person and based on the Landcom manual - "Soils and Construction, Managing Urban Stormwater, Vol 1, 4th Edition, March 2004", shall be lodged with the nominated Certifier for works within the proposed lot and Council for works in the road reserve for approval. The SWMP shall include, but is not limited to:
 - a) Provision for the diversion of runoff around disturbed areas;
 - b) Location and type of proposed erosion and sediment control measures;
 - c) Location of vegetated buffer strips, unstable slopes, boggy areas, and restricted "no access" areas;
 - d) Approximate location and proposed treatment of site sheds and stockpiles;
 - e) Location of and proposed means of stabilisation of site access;
 - f) Proposed staging of construction and SWMP measures;
 - g) Proposed site rehabilitation measures, including seeding of all bare un-grassed areas, turf where erosion or scouring is likely to occur, and frequency of watering;
 - h) Maintenance program for all soil and water management measures;
 - i) Disposal site for silt removed from sediment traps;

- j) Standard construction drawings for proposed soil and water management measures.

Surrender of Development Consent

22. Prior to the issue of a Construction Certificate, the development consent issued on 29 June 2012 for the *Demolition of existing Basketball Stadium and construction of proposed four court multi-purpose stadium with associated amenities, car parking and landscaping* with reference RA12/1000 is to be surrendered to Shoalhaven City Council's Planning and Development Services Group in accordance with the provisions of S80A of the Environmental Planning & Assessment Act, 1979. The notice of surrender of development consent that is to be provided must contain all information as outlined in Clause 97 of the Environmental Planning and Assessment Regulation 2000.

PART D

CONDITIONS RELATING TO THE APPROVED WORK AND SITE MANAGEMENT

Building Code of Australia

23. All building work must be carried out in accordance with the requirements of the Building Code of Australia. In particular with respect to Parts C, D, E, F and J.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

24. Access for disabled persons shall be provided to the building in conformity with Part D 3.2 of the Building Code of Australia and AS1428.1-2009 "design for access and mobility – General requirements for access in buildings".

Design Standards

25. The following design standards must be complied with:
- a) Engineering design plans and specifications for the internal civil works referred to in this consent must be submitted to an accredited certifier (Private Certifier or Shoalhaven City Council) for approval;
 - b) Engineering design plans and specifications for the external civil works (i.e. within the road reserve) referred to in this consent must be submitted to Council for approval;
 - c) All civil works are to be in accordance with Council's Engineering Design Specifications and Development Construction Specifications current at the time of construction unless otherwise specified in this consent;
 - d) Road, drainage and other civil works referred to in this consent within the road reserve/on public or private land shall be prepared by a suitably qualified practising engineer or surveyor; and
 - e) All work must be carried out in accordance with the approved plans.

Road Reserve, Footpath & Gutters

26. Existing roads, footpaths and reserves adjacent to and nearby the site shall be kept clear of soil, debris, materials and equipment except in accordance with the Traffic Control Plan or as otherwise approved in writing by Council.

Soil and Water Management

27. The following soil and water management measures must be implemented:

- a) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur (e.g. sediment fences, etc.). In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Unnecessary disturbance of the site (e.g. excessive vehicular access) must not occur. All areas disturbed must be stabilised or revegetated as soon as possible after the completion of site earthworks; and
- b) The erosion and sediment measures must be maintained for the life of the construction period and until runoff catchments are stabilised.

Construction Hours/Construction Vehicles and Materials

28. a) To limit the impact of the development on adjoining owners, all construction work shall be restricted to the hours of 7.00am to 6.00pm Monday to Friday and 8.00am to 3.00pm Saturdays. No construction work shall take place outside of these hours or on Sundays or Public Holidays without written approval from Council's Planning & Development Services Group; and
- b) All construction machinery and equipment shall be kept within the confines of the site unless undertaking works outside the boundary (e.g. road reserve).

Waste Minimisation and Management

29. All waste associated with the approved development must be contained within the site during construction and then be recycled in accordance with the approved Waste Minimisation and Management Plan (WMMP) or removed to an authorised waste disposal facility (e.g. Nowra Waste Depot). No waste shall be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site.

Compliance with the WMMP shall be demonstrated by the retention of relevant receipts. These must be submitted to Council, upon request.

Note: "Waste" has the same meaning as the definition of "Waste" in the Protection of the Environment Operations Act 1997.

Dust Management

30. Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to comply with this requirement.
- a) Erection of dust screens around the building area within the site;

- b) Securely covering all loads entering or exiting the site;
- c) Use of water sprays across the site to suppress dust;
- d) Covering of all stockpiles of soil remaining more than 24 hours; and
- e) Keeping excavation surfaces moist.

Contamination

31. During any excavation, a visual assessment of all works is to be undertaken. Should any ground contamination, including odours, be encountered the developer/builder must:

- a) Undertake relevant investigation and remediation actions as required under relevant EPA guidelines; and
- b) Contact Council.

Internal Driveway, Car Park Design and Construction

32. The internal driveway and off street car parking area must:

- a) Be constructed, line marked and signposted in accordance with AS2890.1:2004 and AS2890.6:2009. The general off-street car park layout shall be as shown on the plans with reference Drawing No. C211 and C212, Rev: 2, dated: 04.03.16 and as amended by conditions in this development consent;
- b) Provide a minimum of 198 constructed vehicle spaces. This including a total of 4 disabled car parking space and 4 motor bike spaces;
- c) For the areas to be traversed by larger vehicles (i.e. areas as shown on the plans with reference CR151114, AT01 to AT05, Rev 1, dated:9.12.15) be designed and constructed with either concrete or asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1×10^6 ESA's. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details shall be submitted to Council for approval;
- d) For all other areas be constructed for a minimum traffic loading of 1×10^5 ESA's (i.e. no gravel/crushed rock car parking area is approved);
- e) Be bordered by concrete kerbing, except where surface run-off is concentrated, in which case concrete integral kerb and gutter shall be constructed. The work must comply with Council's Plan No. SC 263710 and SC 263709;
- f) Have wheel stops/bollards provided to all parking spaces (excluding the disabled car spaces adjacent to the buildings northern elevation) that directly front/adjoin the building in accordance with AS2890.1; and
- g) Have heavy duty reinforced concrete vehicular gutter layback and footpath crossings constructed for all entrances to take the largest vehicle requiring access to the development as shown on the plan with reference Drawing No.C215, Rev 2, dated: 29.06.16. The construction must be in accordance with Council's Standard Drawings Plan Nos. 5104-07, 2026-05 and Fig D1.20 (Engineering Design Specification). Where kerb and gutter exists, the plans shall be detailed to ensure road seal and pavement is to be removed to a sufficient width to permit placing of formwork and the laying and compacting of suitable pavement material (1m minimum offset to lip line).

33. All pedestrian paths through the rear car parking area (south of the proposed building) are to be protected via raised thresholds so as to clearly define pedestrian access and assist in reducing vehicle speed. These are to be constructed in accordance with relevant standards which include AS1742.13 and AS2890.1.

Reinstatement of Kerb, Gutter and Footpaths

34. Disused gutter crossings and pipe outlets (i.e. within Cambewarra Road) are to be reinstated to the satisfaction of Council's Engineering Coordinator or their nominee. Redundant laybacks are to be reinstated as follows:
- a) The road pavement is to be saw-cut parallel to the lip of the gutter;
 - b) The existing layback **and** gutter is to be removed; and
 - c) New cast in-situ kerb and gutter to match adjacent profile is to be poured and connected to the adjoining sections of kerb with suitable bitumen joining.

Site Drainage

35. The site shall be drained as per the approved drainage plans referenced in Condition 1 and so as to comply with the following requirements:
- a) Major and minor drainage systems shall be designed by a qualified practising engineer in accordance with Council's Engineering Design Specifications section D5 (Stormwater Drainage Design) and SDCP 2014 – Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control. The minor and major systems shall be designed for a 10% AEP and 1% AEP rainfall events respectively;
 - b) The levels of the car park and landscaped areas adjacent to the building must be designed so as to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering the building;
 - c) Stormwater connections between the property boundary and the kerb and gutter, or Council's underground system, must be inspected and approved by Council's Subdivision Co-ordinator or their nominee and backfilled as soon as possible;
 - d) Detailed design of permanent stormwater quality improvement devices and major trunk drainage must be certified by a civil engineer who has current NPER-III registration or who can demonstrate the appropriateness of the proposed design for the site. This includes the sediment basin and other OSD structures on site and will need to include any additional drainage infrastructure required to cater for flows and must connect to Council's street drainage;
 - e) Drainage systems to public roads are to be upgraded where necessary to contain flows in accordance with Council's Engineering Design Specifications (section D5.04). Drainage calculations to confirm the adequacy of the system or design plans for upgrading are to be submitted to Council for approval by the Engineering Development Coordinator or delegate. All calculations are to be presented on the drainage plan(s);
 - f) Runoff currently entering the site from uphill properties shall not be obstructed nor redirected from entering the site, other than by works in accordance with a plan approved by Council or to increase the quantity or concentration of surface runoff entering adjoining properties;
 - g) Post development storm water discharge from the subject site into the adjoining road drainage system must not exceed the pre-development application discharge;

- h) On-site detention storage for stormwater runoff from the site must be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must be submitted to Council or an accredited certifier for approval prior to the issue a construction certificate. All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be allowed;
- i) The developer must provide details of scour protection at the outlet of the on-site detention basin, in accordance with SCC Engineering Design Specification, to Council's Planning and Development Services Group for approval; and
- j) Any proposed pits, pipelines, drains and culverts within the public road are to be designed as follows:
 - For a minimum 20% AEP rain event;
 - To withstand the pressure of the maximum AEP stored upstream before the culvert/roadway is overtopped.
 - To resist scour and erosion

Colour Schedule/Exterior Materials

- 36. a) Exterior materials (excluding windows and other glazing) are to be non-reflective or create a glare nuisance; and
- b) The building/approved development must be constructed in accordance with the approved schedule of colours and building materials and finishes with references 14-663 DA-13 (Rev A) 10.12.15, 13-528 DA-06 (Rev A) 10.12.16 and 13-528 DA-07 (Rev A) 10.12.16.

Lighting – Internal Driveway and Car Parking Areas

- 37. Lighting is to be provided to the internal driveways and all visitor car parking areas in accordance with AS/NZS 1158 - Road Lighting Pedestrian Area, Category P Lighting, Performance and Installation Design Requirements. Particular attention must be given to:
 - a) All entry/exit points as well as the general interior lighting levels and all pedestrian areas; and
 - b) Ensuring that there are no impacts from lighting into adjoining properties including no impacts upon Cambewarra Road.

Food Premises

- 38. The construction and operation of any food premises must comply with all relevant legislation/ regulations and standards, including the Food Act 2003, Food Regulation 2010, Chapter 3 of the Australia New Zealand Food Authority - Food Safety Standards 2001, and Shoalhaven City Council's Food Premises Policy. In particular the following must be complied with:
 - a) All refrigeration units storing potentially hazardous foods shall be capable of storing such foods at less than 5°C at all times. They shall also be provided with a numerically scaled thermometer accurate to 1°C;

- b) Any hot holding food storage units such as warmers or bain-maries shall be capable of storing potentially hazardous foods at or above 60°C at all times. They shall also be provided with a numerically scaled thermometer accurate to 1°C.
- c) The floors, walls, and ceiling within the food preparation area are to be constructed of a rigid, smooth-faced, impervious material and kept in good repair;
- d) All fixtures, fittings and appliances within the food preparation area must be capable of being easily cleaned and constructed so as not to harbour vermin. They must also be elevated 150mm above the floor level and/or fitted with wheels/castors to facilitate effective cleaning of the floor;
- e) All wall shelving shall be kept 25mm off the vertical wall face to facilitate effective cleaning of the wall surfaces;
- f) A hand wash station fitted with both hot and cold water mixed through a common spout is required to both the kitchen area and the toilet facility dedicated to persons handling food. Additionally, each station shall also be provided with hand soap and single use paper towel dispensers;
- g) A mechanical exhaust ventilation system will need to be installed within the food preparation area in accordance with the Australian Standard AS1668.2-2002 to ensure that all heat, vapour and/or any objectionable odours generated are adequately filtered and exhausted from the premises; and
- h) A separate area that is not used for the handling or storage of food must be provided for the storage of personal items such as clothing and personal belongings.

39. The developer/operator must complete a Council Food Premises Registration form for each food premises on the development site and submit to Council's Planning and Development Services Group prior to the food use commencing.

Noise

40. The recommendations and noise attenuation methods specified in the Environmental Noise Impact Assessment Report prepared by SLR Global Environmental Solutions dated 10 December 2015 and as required by the updated report (refer to Condition 17) must be implemented.

Screening of Roof Structures

41. All structures that are ancillary to the use/operation of the buildings that are positioned on the roof must either be sited/positioned so they are not visible from adjoining public spaces (both within and external to the site) or be suitably screened so they are not visible from any adjoining public spaces (both within and external to the site).

Note: A separate development consent/modification to this development consent may need to be obtained prior to their implementation if screening is required.

Footpath Construction Requirements

42. Engineering design plans for the footpath required along Camberwarra Road shall be approved by Council prior to commencement of footpath work (i.e. as part of the Section 138 approval) and shall incorporate the following:

- a) A cross section from the centre of the road to the developments entrance;
 - b) Provide a 3% crossfall from the boundary to top of kerb;
 - c) The level of the footpath shall match existing footpath levels of adjoining property frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section shall be designed; and
 - d) Perambulator gutter crossing kerb ramps shall be provided at intersections in accordance with Council Plan No. G202606A.
43. The existing footpath/tracks within the development site that will be impacted by the approved development shall be reinstated with concrete paths (e.g. 1.2m wide) as close as practicable to their existing locations (i.e. between North Tarawal Street/West Birriley Street and the signalised pedestrian crossing on Cambewarra Road).

Retaining Walls

44. Retaining walls greater than 0.6 metre in height must incorporate suitable drainage and be certified by an NPER-III registered practising engineer.

Traffic Management Plan – Larger Events

45. A 'Traffic management Plan' for larger events (e.g. regional events, events which will result in all the facilities being fully utilised, events exceeding 400 people at the facility) must be prepared in accordance with NSW Roads and Maritime Services requirements. This plan must assess impacts and include details on how pedestrian and vehicle movement (both cars and buses) will be managed so as to minimise impact on Cambewarra Road and the use of adjoining open space area.

Lot Consolidation

46. The site owner must through Land and Property Information (LPI) consolidated the development site (as described on the front page) into one allotment.

Road and Traffic Facilities/Works

47. All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor.

Note: A copy of pre-qualified contractors can be found on the RMS website.

PART E

CONDITIONS THAT MUST BE COMPLIED WITH BEFORE AN OCCUPATION CERTIFICATE CAN BE ISSUED

48. Prior to the issue of an Occupation Certificate for the approved development, the following must be complied with and completed:
- a) The requirements of Conditions 14b (Landscaping), 18b (Approval of Regulatory Signage and Pavement Markings), 19b (S68 Approval), 20b (Engineering Approval), 25 (Design Standards), 32 (Internal Driveway, Carpark Design and Construction), 33, 34 (Reinstatement of Kerb, Gutter and Footpaths), 35 (Site Drainage), 36 (Colour

Schedule/Exterior Materials), 37 (Lighting), 38 (Food Premises), 40 (Noise), 41 (Screening of Roof Structures), 43, 45 (Traffic Management Plan) and 46 (Lot Consolidation);

- b) Certification from a suitably qualified acoustical consultant that the conclusions and recommendations relating to noise meet the requirements as detailed in the approved acoustic report;
- c) A certificate of compliance must be obtained from Shoalhaven Water; and
- d) Written approval must be obtained from Shoalhaven Council's Planning and Development Services Group advising that the road reserve area in the vicinity of the development has not been damaged as a result of the development works and is in a satisfactory condition.

Note: Any infrastructure within the road reserve, along the frontage of the subject site or within close proximity in the road reserve which has been damaged as a result of construction works associated with the approved development, is to be repaired by the applicant at their cost.

Fire Safety – Prior to Occupation of New Building

49. The owner is to supply Council with a Final Safety Certificate for the fire safety measures specified in the Fire Safety Schedule. The fire safety measures must be implemented or installed in the building prior to its occupation. The building must not be occupied without a final Fire Safety Certificate being issued and a Final or Interim Occupation Certificate being issued.

PART F

CONDITIONS THAT RELATE TO ONGOING MANAGEMENT OF THE PROPOSED DEVELOPMENT

Site Management and Maintenance

50. The proprietor/operator must at all times be responsible for on-going site management and maintenance in accordance with the following:
- a) Loading and unloading in relation to the use of the premises must occur within the subject site (i.e. in the designated loading areas);
 - b) Goods or machinery associated with the approved use must not be stored in the car parking spaces or drive way areas;
 - c) Activity on the site must not impact upon the amenity of any adjoining property or tenancy by reason of the emission of noise, dust, fumes, odour, vibration, electrical interference or otherwise;
 - d) The storage of the waste bins (i.e. both general waste and recycling waste) within the approved waste storage area as shown on the approved plan. At no time are the bins to be located/stored in an area that is visible from a public place or within the car parking, landscaping or servicing/manoeuvring areas;
 - e) Removal of all graffiti within a maximum of 14 days of being notified by Council; and
 - f) Maintenance of all:

- vehicular movement areas including driveways, car parking, manoeuvring areas and line marking to the standard specified in this consent;
- stormwater drainage pipes and, systems to ensure efficient discharge of uncontaminated stormwater in accordance with the approved stormwater drainage plans including associated stormwater pollution control devices being maintained in accordance with manufactures specifications for the life of the development;
- signs and lines;
- landscaping in accordance with the approved landscape plan. This including landscaping along the sites eastern boundary within the road reserve area; and
- buildings, fencing to the standards outlined in the development application and/or specified in this consent and/or earlier development consent that are still applicable.

Odours

51. No offensive odours are to be generated from the development including the loading dock and waste storage areas such that they are discernible at nearby residential/educational receivers.

Noise

52. The recommendations and noise attenuation methods specified in the Environmental Noise Impact Assessment Report prepared by SLR Global Environmental Solutions dated 10 December 2015 and as required by the updated report required by Condition must be strictly adhered to and maintained for the life of the development.
53. The operation of the approved development and any associated use of any machinery, plant and/or equipment within, on or in connection with the operation and use of the approved development must be carried out so as not to cause:
- a) Transmission of vibration to any place of different occupancy; or
 - b) 'Offensive Noise' as defined in the Protection of the Environment Operations Act 1997.

Annual Fire Safety Statement

54. At least once in every twelve month period an annual **Fire Safety Statement** is to be submitted to Council and to the Fire Commissioner of the NSW Fire and Rescue, Fire Safety Division in relation to the **fire safety measures** listed in the **Fire Safety Schedule**.

Car Parking

55. The car parking area must allow for unimpeded access and use and be available for use by patrons/customers of the development during operating hours. Under no circumstances are car parking spaces or aisles to be used for display, garbage disposal/storage or other uses.

Signage

56. a) No signage other than what has been approved as part of this development consent (refer to plan with reference 13-258, DA -07A (Issue A), dated: 10.12.2015) or that is

considered to be exempt from requiring development consent under a State Environmental Planning Policy or Development Control Plan is approved as part of this development application; and

- b) The level of illumination from all signs must comply with RMS policy 99/3 *Management of Illumination Street Name and Advertising Sign Proposals*.

Note: *No LED/moving signage has been approved as part of this development application.*

Garbage Storage/Waste

57. The approved development must comply with the following garbage/waste requirements:

- a) All garbage/waste associated with the use of the approved development is to be stored for collection within the bin enclosure area as noted on the approved plans.
- b) All sports related medical/clinical waste generated by the development must be stored within a separate section of the bin enclosure area as noted on the approved plans and must be disposed of by an authorized waste disposal contractor to NSW Health Departments requirements.

Operation Times

58. The hours of operation of the approved development shall be restricted to between 7.00am and 11.00pm seven days a week. The use of the courts for games/training and/or competition should cease by 10.30pm. There must be no activity occurring within the approved building after 11.00pm, unless otherwise agreed to by Council in writing.

59. Servicing of the site must comply with the following:

- a) Product deliveries associated with the approved development shall be restricted to the hours of 7:00am to 6:00pm daily, unless otherwise agreed to by Council in writing; and
- b) No vehicles larger than 12.5m (i.e. heavy rigid vehicles) shall make deliveries to the site.

Traffic Management Plan

60. The 'Traffic Management Plan' for larger events (e.g. regional events, events which will result in all the facilities being fully utilised, events exceeding 400 people at the facility) must be implemented for each of these events.

PART G

OTHER COUNCIL APPROVALS

Section 138 Roads Act

Consent for work within the Road Reserve – Section 138 Roads Act

1. Prior to undertaking any works within an existing road reserve, the contractor must obtain the consent of Council under Section 138 of the Roads Act, 1993. The following details must be submitted to Council to obtain the s.138 consent:
 - a) Detailed approved engineering drawings of the proposed works within the road reserve;
 - b) Any pavement design required by this consent;
 - a) Details of timing and length of works;
 - b) Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the vehicular and pedestrian public. The TCP must comply with the current RMS's manual Traffic Control at Work Sites. Warning and protective devices shall comply with the provisions of AS 1742.3 – 2002 Traffic Control Devices for Works on Roads. The plan must be prepared, signed and certified by a person holding the appropriate RMS accreditation, a copy of which is to be submitted with the plan.
 - c) Insurance details;
 - d) Name and contact information of the person/company appointed to supervise the construction; and
 - e) Should the contractor want a single 138 approval to cover works additional to road, drainage and site regrading (e.g. water supply, sewerage, landscaping, etc), details of such works should be forwarded to the designer of the Traffic Control Plan. Copies of the layout plans and work method statements of these additional works are to be submitted to the Subdivision Manager in conjunction with the 138 application for road and drainage works.

Note: Traffic includes both vehicular and pedestrian.

PART H

REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.

3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, car parking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

PART I

ADVICE ABOUT RIGHTS OF REVIEW AND APPEAL

Development Consent under Environmental Planning and Assessment Act, 1979

*Under section 82A of the Environmental Planning and Assessment Act, 1979 an applicant may request the council to review its determination except where it relates to a complying development certificate, designated development or integrated development. The request must be made **within twelve (12) months** of the date of the receipt of the determination, with a prescribed fee of 50% of the original DA fee.*

*Section 97 of the Environmental Planning and Assessment Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised **within twelve (12) months** after receipt of this notice.*

Approvals under Local Government Act, 1993

Section 100 of the Local Government Act, 1993 provides that an applicant may request Council to review its determination of an application.

*Section 176 of the Local Government Act, 1993 provides that an applicant who is dissatisfied with the determination of the Council may appeal to the Land and Environment Court. The appeal must be made within **twelve (12) months** of the date of determination.*

PART J

ADVICE ABOUT WHEN THIS CONSENT LAPSES

This consent is valid for five years from the date hereon.

In accordance with Section 95 of the Act, development consent of the erection of a building does not lapse if building, engineering or construction work relating to the building or work is physically commenced on the land to which the consent applies before the lapse date.

PART K

GENERAL ADVICE TO APPLICANT

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning & Assessment Act, 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "Design for Access and Mobility". AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act currently available in Australia.

Disclaimer – s88B restrictions on the use of land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under clause 37 of Shoalhaven Local Environmental Plan 1985 agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services.

Privacy Notification

Personal information contained on this Development Consent and any associated documents will be published on Council's website as required by the Government Information (Public Access) (GIPA) Act 2009.

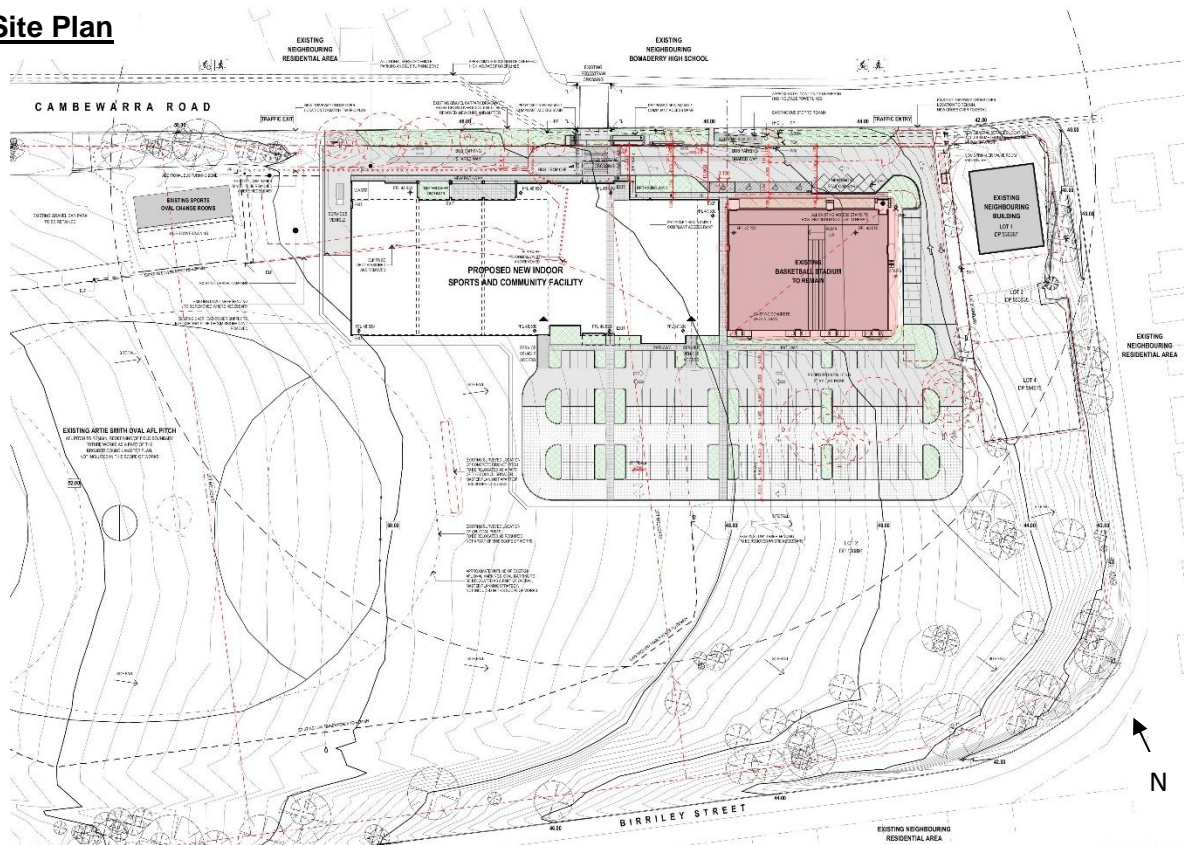
Clause 94 of the Environmental Planning & Assessment Regulation 2000

Any future application to the link the proposed building with the existing stadium located to the east of the new building will require consideration of fire safety upgrades in accordance with Clause 94 of the Environmental Planning & Assessment Regulation 2000.

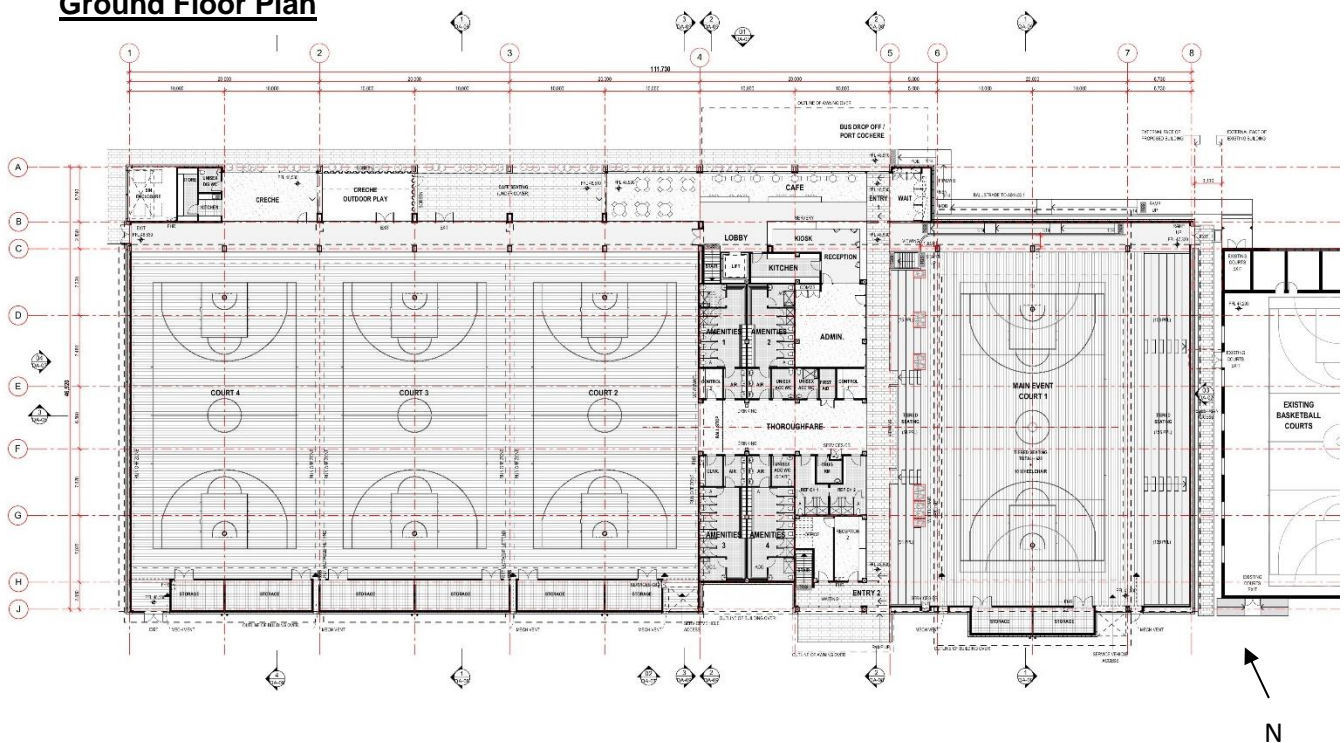
Council reserves the right to require the upgrading of the building/s in accordance with Section 121B of the Environmental Planning & Assessment Act 1979 in the event of the building/s being altered or other circumstances eventuating which change the basis on which Council's decision in relation to Clause 94 of the Environmental Planning & Assessment Regulation 2000 was made.

Attachment 'B'

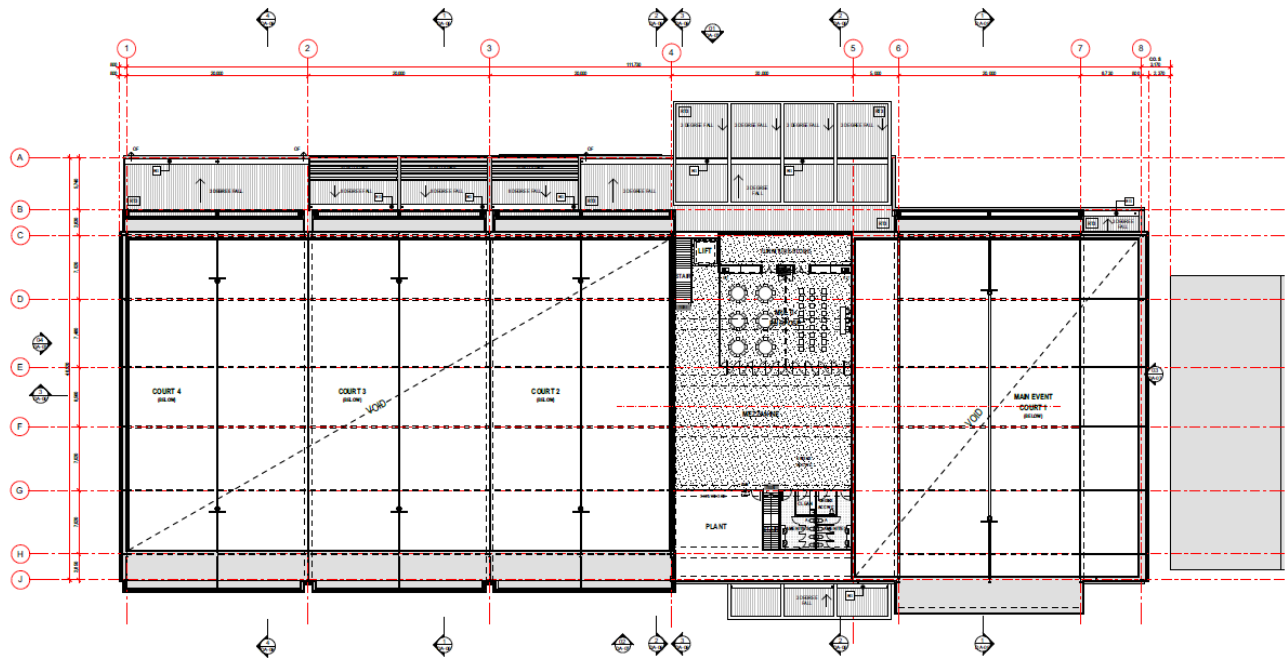
Site Plan



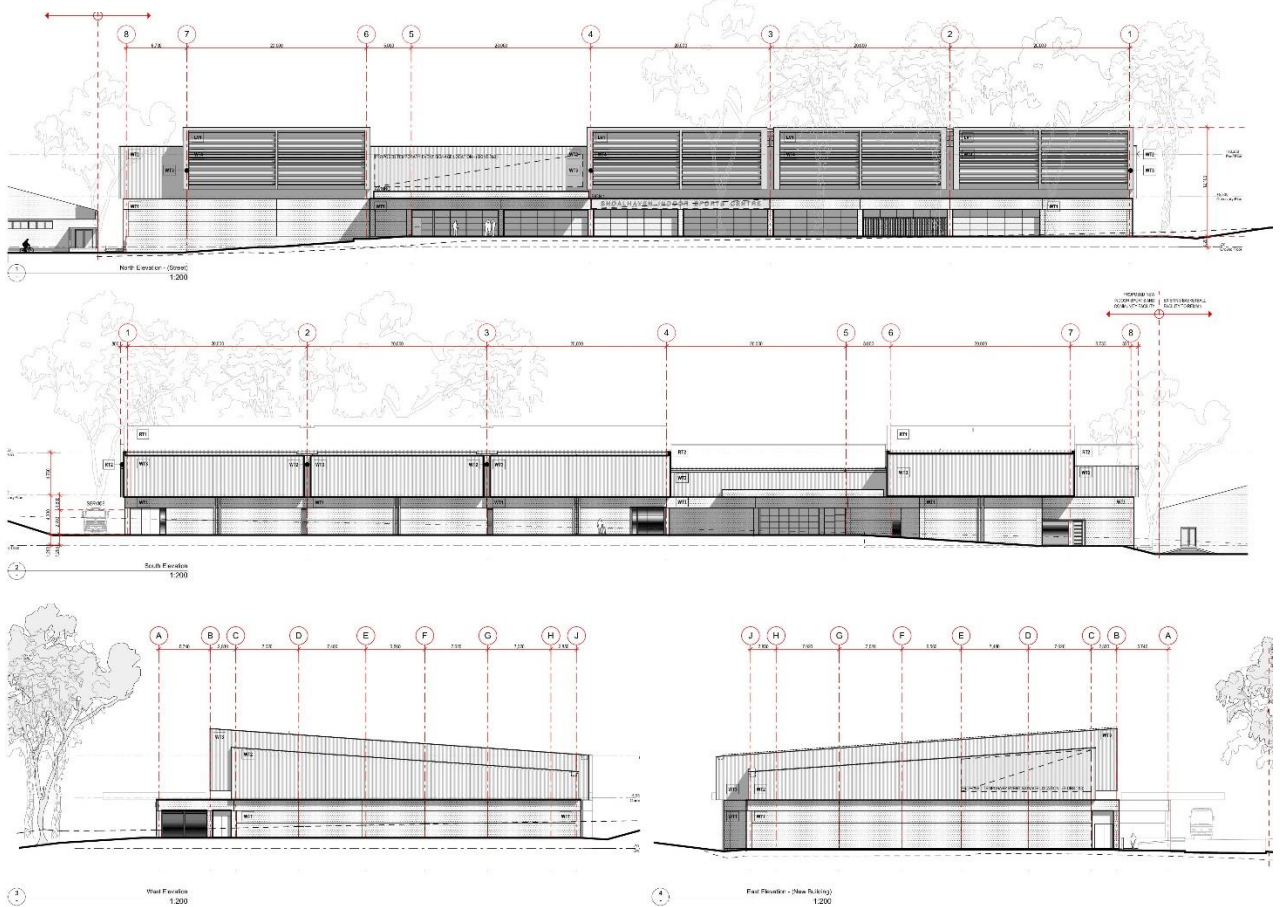
Ground Floor Plan



Mezzanine Floor Plan



Elevations



Attachment 'C'

Location Plan



Location and Zoning Plan

